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FINAL

# **THE PALACE CASINO**

## **Environmental Impact Report**

SCH# 94083043

November 11, 1994

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94 01151  
FINAL

# THE PALACE CASINO Environmental Impact Report

SCH# 94083043

November 11, 1994

Prepared for:  
City of San Pablo

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**THE PALACE CASINO  
FINAL ENVIRONMENTAL IMPACT REPORT**

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## **I. INTRODUCTION**

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### **A. CEQA PROCESS**

On September 16, 1994, the City of San Pablo released for public review a Draft Environmental Impact Report (Draft EIR) on the proposed Palace Casino (sch# 94083043). The 45-day public review and comment period on the Draft EIR began on September 16, 1994 and closed on October 31, 1994.

The Final EIR is an informational document prepared by the lead agency that must be considered by decision makers before approving or denying a proposed project. California Environmental Quality Act (CEQA) *Guidelines* (Section 15132) specify the following:

"The Final EIR shall consist of:

- (a) The Draft EIR or a revision of that draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (d) The response of the Lead Agency to significant environmental points raised in review and consultation process.
- (e) Any other information added by the Lead Agency."

This document has been prepared pursuant to CEQA *Guidelines*. This Final EIR incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments. The Palace Casino EIR consists of the Draft EIR and this Response to Comments document.

### **B. METHOD OF ORGANIZATION**

This Final EIR for the proposed Palace Casino contains information in response to concerns raised during the public comment period.



Section II of this document contains text changes and errata to the Draft EIR, reflecting necessary additions, corrections, and clarifications to the Draft EIR.

Section III contains a list of all persons and organizations that submitted written comments on the Draft EIR.

Section IV contains comment letters received and the responses to each comment. Each comment is labeled with a number in the margin and the response to each comment is presented immediately after the comment letter.

Section V contains the transcript from the public hearing held on October 11, 1994. Each comment made during the public hearing is labeled with a number in the margin of the transcript and the response to each comment is presented immediately following the transcript.

## II. ADDENDA TO DRAFT EIR

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The following corrections and changes initiated by City staff and commenters are made to the Draft EIR and incorporated as part of the Final EIR. None of these additions or revisions to the Draft EIR present significant new information or give rise to new potential significant impacts or substantial increases in impacts not previously considered in the Draft EIR that would warrant recirculation.

Page 4-7, paragraph 3, sentence 6 has been revised to read:

"In addition, the Redevelopment Agency of the City of San Pablo has prepared a draft Replacement Housing Plan that outlines the City's plan to replace the housing units lost as a result of the proposed project (also see pages 10 and 11 of Appendix 8.1)."

Page 4-14, paragraph 1 has been revised to read (new text is underlined):

"In addition, the El Cerrito Del Norte Station of Bay Area Rapid Transit (BART) is approximately two miles south of the project site."

Page 4-17, paragraph 6, sentence 1 has been revised to read (revised text is underlined):

"Levels of service for study intersections in the year 2000 during the AM and PM peak hours would not change from the existing levels of service except for the I-80 westbound on/off ramps and San Pablo Dam Road intersection (from LOS C to LOS D during the PM peak hour), the San Pablo Avenue and Vale Road intersection (from LOS B to LOS A during the PM peak hour), the San Pablo Avenue and Church Lane intersection (from LOS A to LOS B during the PM peak hour), and the San Pablo Avenue and 23rd Street intersection (from LOS D to LOS B during the AM peak hour and from LOS B to LOS C during the PM peak hour)."

Page 4-18, the third line of data in Table 4.2.2 has been revised to read (revised text is underlined):

|                                          |        |        |        |               |
|------------------------------------------|--------|--------|--------|---------------|
| "San Pablo Avenue and<br>McBryde Avenue" | 0.47 A | 0.57 A | 0.47 A | <u>0.57 A</u> |
|------------------------------------------|--------|--------|--------|---------------|

Page 4-21, Table 4.2.6, second column header has been revised to read (revised text is underlined):



"2000 Conditions With Project (Unmitigated)"

Page 4-21, paragraph 2, sentence 1 has been revised to read (revised text is underlined):

"This mitigation measure is considered to be physically possible, but the overpass widening is a very costly project."

Page 4-21, new paragraph 3 should be inserted as follows:

"Implementation of these mitigation measures could affect northbound traffic on Amador Street by restricting movement at the intersection with San Pablo Dam Road to a right-turn only. This would require vehicles to access eastbound I-80 at the El Portal interchange rather than the San Pablo Dam Road interchange and would reduce the number of options motorists have to cross I-80. However, some of Caltrans' concept plans for the entire I-80/San Pablo Dam Road interchange indicate that realignment of Amador Street would occur as part of the improvement to this interchange, which might avoid the need for right-turn only restrictions. Pending final design of the interchange improvements, it is unknown whether residual impacts resulting from the implementation of this mitigation measure would occur. This matter is too speculative to require additional CEQA analysis at this time."

Page 4-25, paragraph 3 has been revised to read (revised text is underlined):

"The project applicant shall prepare and implement an employee trip reduction program, which is required by the City for businesses employing more than 100 persons."

Page 4-45, paragraph 2, sentence 3 has been revised to read (revised text is underlined):

"The construction noise impacts at Brookside Hospital would be in the range of 73 to 78 dBA, Leq (based on a distance of 200 feet)."

Page 4-45, paragraph 4, sentence 1 has been revised to read (revised text is underlined):

"To reduce construction noise impacts to a level of less than significant, the City shall require construction contractors to limit noisy construction activities to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday."

Page 4-54, paragraph 1, sentence 1 has been revised to read (new text is underlined):

"Numerous studies have been completed that analyze the link between the operation of a gaming club and criminal activity (Bradbury, 1993; Sutphen, Grant, and Ball, 1993; U.S. Department of the Treasury, 1993; Governor's Office of Planning and Research, 1992; Miller, 1992.)"

Page 4-55 has been revised to include the following:



"Bradbury, Michael D., "Card Room Casinos: The Promise and the Reality (A Report to the Oxnard City Council", June 22, 1993.

Governor's Office of Planning and Research, "California and Nevada: Subsidy, Monopoly, and Competitive Effects of Legalized Gambling", December 1992.

Miller, Edwin L., District Attorney for San Diego County, "Report in Opposition to Cardroom Casinos", August 1992.

Sutphen, Sandra, Ron Grant, and Barbara Ball, "Upping the Ante: Gambling as a Revenue Source for Local Governments", Southeastern Political Review, 1993.

U.S. Department of the Treasury, Financial Crimes Enforcement Network, "Asian Organized Crime: The California Card Clubs", March 1993."

Page 6-1, paragraph 1, sentence 1 has been revised to read (revised text is underlined):

"Three impacts that have been identified in this EIR would result in an unavoidable significant impact that could not be mitigated to a less-than-significant level: traffic generated by the project would contribute to a degradation in the level of service at the I-80 westbound on-and off-ramps/San Pablo Dam Road intersection; earth moving and construction activities would result in temporary increases in ambient concentrations of fugitive dust; and increases in CO emissions from traffic generated by the project would temporarily violate air quality standards at the San Pablo Avenue/San Pablo Dam road intersection."

Page 6-2 paragraph 1, sentence 2 has been revised to read (new text is underlined):

"These projects in Richmond would contribute to impacts in the vicinity of the project site:

- 177 townhomes on Castro Ranch Road;
- 332 single-family residential units on Clark Road;
- 48 single-family residential units on Lenora Road;
- 24 duplex units at 17th and Pennsylvania;
- 254 single-family residential units on Golden Oaks;
- 1,000 residential units proposed by Chevron Land and Development Corporation between San Pablo Avenue and Giant Highway;
- 1,000,000 square feet of bioscience office and research uses near the intersection of Hilltop Drive and San Pablo Avenue; and
- 700,000 square feet of warehouse space, 1,220,000 square feet of industrial/flex office space, 645,000 square feet of office space, and up to 700 residential units as part of the Point Pinole Mixed Use Development Project."



### **III. LIST OF PERSONS AND ORGANIZATIONS COMMENTING ON THE DRAFT EIR**

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#### **A. PERSONS AND ORGANIZATIONS COMMENTING IN WRITING**

The following agencies, organizations, and individuals submitted written comments on the Draft EIR during the public review period (the date of the letter is also presented):

|                                                                 |                  |
|-----------------------------------------------------------------|------------------|
| Penney Timm                                                     | October 11, 1994 |
| City of Richmond (Planning Director)                            | October 18, 1994 |
| Contra Costa County Flood Control & Water Conservation District | October 18, 1994 |
| Wildcat Creek Neighborhood Coalition                            | October 19, 1994 |
| City of Richmond (Mayor)                                        | October 20, 1994 |
| East Bay Municipal Utility District                             | October 20, 1994 |
| City of Pinole                                                  | October 21, 1994 |
| Citizens for Common Sense                                       | October 27, 1994 |
| East Richmond Neighborhood Council                              | October 28, 1994 |
| North and East Neighborhood Council                             | October 28, 1994 |
| Julie Freestone                                                 | October 28, 1994 |
| Edward L. Shaffer                                               | October 28, 1994 |
| West Contra Costa Transportation Advisory Committee             | October 31, 1994 |
| Edward L. Shaffer                                               | October 31, 1994 |
| Governor's Office of Planning and Research                      | October 31, 1994 |

#### **B. PERSONS AND ORGANIZATIONS COMMENTING AT THE PUBLIC HEARING**

The following persons provided public testimony at the City of San Pablo public hearing on the Draft EIR, held at Maple Hall on Tuesday, October 11, 1994:

Jose Dellaroz  
Ricardo Magana  
Tylos Jackson  
Melinda Chinchilla  
Paul Jagoda  
George Newcomb  
Ronnie Levo  
Suzanne Sanders  
Gary Dean Wilkins  
Annemarie DeOrian





#### IV. RESPONSES TO WRITTEN COMMENTS ON THE DRAFT EIR

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I am concerned that some of the so-called mitigations may in fact create more problems than they solve. Specifically, mitigation 4.2.2, which specifies converting Amador for right-in/right-out operation only. Amador is already right-in only, so the change would be to block traffic from Amador street so that they have no access to the west side of I-80, or onto I-80 northbound.

1

The EIR treats San Pablo Dam Road as if it is just another street. It is not. That bridge provides the only access across I-80 between McBryde Avenue and El Portal. This is a considerable distance, and a considerable problem for residents in Richmond, San Pablo, and in the unincorporated area above East San Pablo.

2

My questions are as follows:

- 1.) What is the current traffic flow north on Amador Street?
- 2.) Which way does that traffic go when it reaches San Pablo Dam Road?
- 3.) How will that traffic get on or across I-80 if San Pablo Dam Road is blocked?
- 4.) What effect will this change have on traffic on residential streets in East San Pablo?
- 5.) Vehicles turning right from Amador onto San Pablo Dam Road must wait for a break in traffic to enter. That break is frequently provided by a green light for Amador which stops traffic both eastbound on San Pablo Dam Road and the exit from I-80 Eastbound onto San Pablo Dam Road. If Amador is right-out only, and either San Pablo Dam Road or the Freeway Exit are always open, how will this affect the ability of Amador street traffic to enter San Pablo Dam Road Eastbound?

3

4

Penney Timm  
842 Amador Street  
Richmond CA 94805-1106

## PENNEY TIMM

1. A large percentage of the peak hour traffic on northbound Amador Street consists of vehicles trying to bypass congestion on eastbound I-80. The mitigation measure of permitting only right-in and right-out operation for Amador Street at San Pablo Dam Road would discourage the use of Amador Street for purposes of bypassing I-80 congestion. The desired effect of improving the operation at the I-80 eastbound on/off ramps at San Pablo Dam Road would occur with the implementation of this mitigation measure; however, other secondary effects would also occur as a result. For a discussion of these effects, please see the response to comment #2 of the City of Richmond (Planning Director) letter. Because implementation of this measure is speculative at this time, evaluation of potential secondary effects is not required for this EIR.
2. As stated on page 4-9 of the Draft EIR, San Pablo Dam Road is identified as a major arterial in the vicinity of the project site. The entire discussion on traffic and circulation presented in the Draft EIR acknowledges the importance of San Pablo Dam Road within the circulation patterns of San Pablo, Richmond, and El Sobrante. As a result, the impact analysis presented in the Draft EIR focuses on the I-80 and San Pablo Dam Road interchange and the intersection of San Pablo Avenue and San Pablo Dam Road.
3. The traffic and circulation analysis conducted in 1990 for the Castro Ranch project indicated that the total number of vehicles travelling northbound on Amador Street at its intersection with San Pablo Dam Road was approximately 525 vehicles during the a.m. peak hour and approximately 735 vehicles during the p.m. peak hour. During both the a.m. and peak hour, about 45 percent of the vehicles travel through the intersection to access I-80 eastbound. During the a.m. peak hour, approximately 17 percent of the vehicles turn left and approximately 38 percent of the vehicles turn right onto San Pablo Dam Road. During the p.m. peak hour, approximately 7 percent of the vehicles turn left and approximately 48 percent of the vehicles turn right onto San Pablo Dam Road.
4. If Mitigation Measure 4.2.2 on page 4-20 of the Draft EIR were to be implemented, traffic now using Amador Street to get on I-80 eastbound or to travel westbound on San Pablo Dam Road will have to either divert to McBryde Avenue, make a U-turn on San Pablo Dam Road, or access San Pablo Dam Road at some point to the north of Amador Street. However, as discussed in the response to comment #2 of the City of Richmond (Planning Director) letter,



the funding and final design of the improvements to this intersection are not approved. Therefore, this mitigation measure is not considered to be currently implementable.

A right-in and right-out only operation for Amador Street at San Pablo Dam Road would require changes to the operation of the traffic signal system at the intersection, which would result in additional "green time" for other traffic movements at this intersection. This improved operation would also benefit vehicles turning right from Amador Street. With only right-turning traffic on northbound Amador Street, the interference from left-turning and through vehicles on the same approach would not occur and the right-turn movement would be easier to make.

For a discussion of the residual impacts associated with the implementation of this mitigation measure, please see the response to comment #2 of the City of Richmond (Planning Director) letter.





October 18, 1994  
File: 623

Mr. Craig Monroe  
City of San Pablo  
Community Development Department  
One Alvarado Square  
San Pablo, CA 94806

Dear Craig:

Once again thank you for the opportunity to review your Draft Environmental Impact Report (DEIR) for the Palace Gaming Casino. Staff has reviewed your analysis of the environmental impacts and has raised some questions in the review of the DEIR. We are submitting the following specific comments on items that have potential for impact on Richmond residents.

#### **Impact 4.1.2**

Page 4-7 of the DEIR states that two separate low- and very-low income housing developments have been approved by the City that would replace the units removed from the Wong Property. There is no indication if these will be completed prior to the vacation of the Wong Property. Page 6-3 of the DEIR states there is an undersupply of low- and moderate-income rental housing in the region. Page 4-8 states there are several other mobile home parks in the city, so there will be no impact in closing this one. No mention is made of the occupancy level of the remaining mobile home parks or if the relocation will impact the limited resources of the neighboring communities. You state that the City of San Pablo General Plan identifies the mobile home park as an important source of low-income housing and that innovative solutions are needed to upgrade or transform these areas into suitable residential environments. A plan to convert them into a parking lot and relocate the residents to other parts of the region seems to fall significantly short of either an upgrade or a transformation. Without the identification of specific available replacement units and/or mobile home park spaces this may be a significant impact on regional low- and very-low income housing.

1

#### **Mitigation Measure 4.2.2**

Two items are identified to mitigate significant impacts of traffic for the I-80 interchange with San Pablo Dam Road. The first, widen the overpass to six lanes, is identified as feasible, costly and unfunded. The city using all means to have this improvement included on all state regional transportation improvement programs does not mitigate the situation. The impact of the conversion of Amador Street for right-in/right-out

2

operation only should be included as part of the EIR if it is to be seriously considered as a mitigation. Residents of this area will be forced to drive extra miles in order to cross the freeway. Commute traffic that crosses the freeway at McBryde, turns left on Amador and enters the freeway at San Pablo Dam Road will now have to find alternate methods of freeway entrance. This could either impact the I-80/San Pablo Dam Road intersection from the west or El Portal from the east.

2

#### **Impact 4.6.2**

The numerous studies completed that analyze the link between the operation of a gaming club and criminal activity are neither quoted, included by reference, nor identified as to location. Simply stating that the Chief of Police does not anticipate that the crime rate in the City of San Pablo will increase begs the issue. Please provide verifiable statistics for both major crime and nuisance crime in the vicinity of gaming clubs.

3

#### **6.2 CUMULATIVE IMPACTS**

The proposed or pending development projects in the City of Richmond should be corrected as follows:

- 48 single-family residential units on Lenora Road vice Mosier Road
- 700,000 square feet of warehouse space, 1,220,000 square feet of Industrial/flex office space, 645,000 square feet of office space and up to 700 residential units on the Point Pinole Mixed Use Development Project.

4

Thank you for the opportunity to comment on your DEIR.

Sincerely,



Jim Farah  
Planning Director

cc: Mayor  
City Council  
Planning Commission  
City Attorney  
Neighborhood Liason



CITY OF RICHMOND (Planning Director)

*NOTE: To provide additional clarification on issues raised in this comment letter, modifications were made to the responses that were provided to this agency ten days prior to action on the EIR by the City of San Pablo Planning Commission. These modifications include deletions, which are indicated by strike outs, and addition, which are indicated by double underlining.*

1. The commenter has raised two separate issues associated with the removal of the housing units from the Wong Property: the replacement of these low- and moderate-income housing units; and the relocation of the existing residents of the mobile home park. The City of San Pablo is required to follow State of California laws and regulations regarding the replacement of housing and the relocation of residents. These laws and regulations are discussed below.

The City of San Pablo does regard the mobile home park as an important source of low-income housing. However, the Wong Property is not considered to be an appropriate site for continued residential use. Overall Redevelopment Plan and General Plan goals recognize that the preferred land use at the project site is business development and that replacement housing is to be developed in a more suitable residential area within San Pablo.

Replacement of Housing

The Redevelopment Agency of the City of San Pablo has prepared a draft Replacement Housing Plan in response to the proposed project. This plan is required by the provisions of the California Health and Safety Code (Section 33413.5) when low- and moderate-income housing units would be destroyed or removed from a city's housing stock as a result of certain redevelopment activity. The San Pablo Redevelopment Agency has an obligation to replace these housing units within four years of the redevelopment activity. The purpose of these sections of the California Health and Safety Code is to assure that redevelopment activity will not have the effect of depleting the community's supply of low- and moderate-income housing; however, these requirements are not intended to serve as a relocation resource (see below). The draft Replacement Housing Plan addresses replenishment of the low- and moderate-income housing stock and identifies 89 affordable units in San Pablo that can serve as replacement housing. As indicated on page 4-1 of the Draft EIR, 66 housing units exist on the Wong Property, of which only 29 are currently occupied. The 89 affordable units identified in the draft Replacement Housing Plan exceeds the total number of housing units to be removed (by 23 housing units) and the number of currently



occupied housing units to be removed (by 60 housing units). A copy of the draft Replacement Housing Plan is included as Appendix A of this document.

#### Relocation of Residents

The relocation of residents of the mobile home park displaced by the proposed project will be accommodated by the state-mandated relocation plan. Under Title 25, California Administrative Code 6000 et seq., the San Pablo Redevelopment Agency must survey owners and tenants to be relocated, prepare a relocation plan based on the needs identified in the survey, and undertake a relocation assistance advisory program. The basic function of the relocation assistance advisory program is to help persons relocate with as little discomfort and inconvenience as possible and to secure for them their maximum benefits provided by law.

After a survey to identify needs for relocation services and benefits has been conducted, the confidential information supplied by owners and tenants is tabulated and the Relocation Plan is prepared. The Relocation Plan summarizes the requirements of those anticipated to be displaced and how those requirements are to be met. The Relocation Plan is submitted to the community, the local government, and the funding agency for approval prior to implementation.

For a discussion of the impacts of the relocation of residents on neighboring communities, please see the response to comment #1 of the City of Richmond (Mayor) letter.

2. The commenter is correct in noting that Mitigation Measure 4.2.2 on pages 4-20 and 4-21 of the Draft EIR is considered to be physically possible. These mitigation measures were suggested by the West Contra Costa Transportation Advisory Committee (WCCTAC) to address existing and future congestion (even without the project) at the I-80 and San Pablo Dam Road interchange. Therefore, these mitigation measures are not triggered by the operation of a gaming club and were not originated by the City of San Pablo.

The improvements to the I-80 and San Pablo Dam Road interchange depend on Caltrans funding and the actual interchange configuration will depend on specific plans developed by Caltrans in the future. Since no funding source has been identified and the basic parameters of the final design have not been approved (e.g., the configuration and location of Amador Street and its intersection at the interchange), this mitigation measure is not considered to be



feasible for purposes of environmental review analysis. Therefore, this impact is considered to be significant and unavoidable.

As stated on page 4-20 of the Draft EIR, the conversion of Amador Street for right-in/right-out operation only would be implemented in conjunction with the other improvements for the I-80 and San Pablo Dam Road interchange. This improvement to Amador Street is not contemplated to be completed independently of the overall interchange improvement project. It is too speculative to conduct an indepth analysis of converting the operation of Amador Street because the timing for implementation of these improvements is not known and final Caltrans design of the overall interchange is not known. To provide information on the residual impacts that could result from converting Amador Street for right-in/right-out operation only, a new paragraph 3 on page 4-21 of the Draft EIR has been inserted as follows:

"Implementation of these mitigation measures could affect northbound traffic on Amador Street by restricting movement at the intersection with San Pablo Dam Road to a right-turn only. This would require vehicles to access eastbound I-80 at the El Portal interchange rather than the San Pablo Dam Road interchange and would reduce the number of options motorists have to cross I-80. However, some of Caltrans' concept plans for the entire I-80/San Pablo Dam Road interchange indicate that realignment of Amador Street would occur as part of the improvement to this interchange, which might avoid the need for right-turn only restrictions. Pending final design of the interchange improvements, it is unknown whether residual impacts resulting from the implementation of this mitigation measure would occur. This matter is too speculative to require additional CEQA analysis at this time."

3. The City of San Pablo Chief of Police conducted an independent review of studies and reports on gaming clubs and criminal activities. This review included the most recent and relevant data compiled and prepared by law enforcement officials and consultants throughout California. The Chief of Police's review indicated that no link exists between the operation of a gaming club and criminal activity if the City has sufficient measures to police the gaming club operation. As part of Ordinance 94-001 of the City of San Pablo (see page 3-3 of the Draft EIR), special provisions are included with respect to security at any gaming club in the City. Therefore, this supported the conclusion that no increase in the crime rate would occur as a result of the proposed project. These studies include a detailed report prepared for the City of Oxnard, a study of effects of gaming clubs on crime for the Southeastern Political Review and the U.S. Department of the Treasury, and a paper in opposition to gaming clubs prepared by the District Attorney for San Diego County. A summary of these studies and reports is included as Appendix B of this document.



To clarify this information, paragraph 1, sentence 1 on page 4-54 of the Draft EIR has been revised to read (new text is underlined):

"Numerous studies have been completed that analyze the link between the operation of a gaming club and criminal activity (Bradbury, 1993; Sutphen, Grant, and Ball, 1993; U.S. Department of the Treasury, 1993; Governor's Office of Planning and Research, 1992; Miller, 1992)."

To include all references in the Draft EIR, the following have been added to page 4-55:

"Bradbury, Michael D., "Card Room Casinos: The Promise and the Reality (A Report to the Oxnard City Council", June 22, 1993.

Governor's Office of Planning and Research, "California and Nevada: Subsidy, Monopoly, and Competitive Effects of Legalized Gambling", December 1992.

Miller, Edwin L., District Attorney for San Diego County, "Report in Opposition to Cardroom Casinos", August 1992.

Sutphen, Sandra, Ron Grant, and Barbara Ball, "Upping the Ante: Gambling as a Revenue Source for Local Governments", Southeastern Political Review, 1993.

U.S. Department of the Treasury, Financial Crimes Enforcement Network, "Asian Organized Crime: The California Card Clubs", March 1993."

4. Page 6-2 paragraph 1, sentence 2 of the Draft EIR has been revised to read (new text is underlined):

"These projects in Richmond would contribute to impacts in the vicinity of the project site:

- 177 townhomes on Castro Ranch Road;
- 332 single-family residential units on Clark Road;
- 48 single-family residential units on Lenora Road;
- 24 duplex units at 17th and Pennsylvania;
- 254 single-family residential units on Golden Oaks;
- 1,000 residential units proposed by Chevron Land and Development Corporation between San Pablo Avenue and Giant Highway;

- 1,000,000 square feet of bioscience office and research uses near the intersection of Hilltop Drive and San Pablo Avenue; and
- 700,000 square feet of warehouse space, 1,220,000 square feet of industrial/flex office space, 645,000 square feet of office space, and up to 700 residential units as part of the Point Pinole Mixed Use Development Project."

The inclusion of the Point Pinole Mixed Use Development Project as a cumulative project would not alter the conclusions presented on page 6-2 of the Draft EIR. Development in this part of Richmond was included in the updated City of Richmond General Plan (Sutton, 1994), which was a source for the *West Contra Costa County Action Plan: Future Background Conditions Report*; therefore, traffic impacts from development at Point Pinole has been accounted for in the cumulative impacts analysis. This addition does not alter any other aspect of cumulative analysis presented in the Draft EIR and no new or different significant impacts would occur.

#### REFERENCES

Sutton, Larry, City of Richmond, telephone conversation, 21 October 1994.





Contra Costa County  
**FLOOD CONTROL**

& Water Conservation District

October 18, 1994

J. Michael Walford  
ex officio Chief Engineer

Milton F. Kubicek, Deputy Chief  
255 Glacier Drive, Martinez, CA 94553-4897  
Telephone: (510) 313-2000  
FAX: (510) 313-2333

John Eller  
City of San Pablo  
One Alvarado Square  
San Pablo, CA 94806

File: 97-43

Dear Mr. Eller:

We have reviewed the Draft Environmental Impact Report map for the Palace Gaming Casino, which was received by our office on September 19, 1994, and submit the following comments.

We recommend that all storm waters entering or originating within the subject property be conveyed (without diversion of the watershed) to the nearest natural watercourse or adequate man-made drainage facility.

1

This project may be subject to the requirements of the Department of Fish and Game and the U.S. Army Corps of Engineers. Wildcat Creek is defined by the Department of Fish and Game as a natural watercourse. The applicant should notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect the creek, per Sections 1601 and 1602 of the Fish and Game Code. Also, the applicant should notify the U.S. Army Corps of Engineers, 211 Main Street, San Francisco, CA 94105-1905, Attention: SPNCO-R, of any proposed construction within the creek in accordance with Section 404 of the Clean Water Act (33 U.S.C. 1344).

In May 1986, the Corps of Engineers published Design Memorandum No. 1 which is a preliminary design report for the improvement of Wildcat and San Pablo Creeks. The portion of Wildcat Creek behind this development is being proposed for improvement based on the report findings. Copies of the improvement plans are enclosed for you reference. Although this Corps of Engineers project may not materialize, the District recommends that the City require the developer to dedicate the right of way needed for the proposed creek improvements. The City may need to improve this creek area in the future to accommodate ultimate watershed development.

2

The Flood Control District does not own any right of way over Wildcat Creek in the vicinity of the proposed casino. Also, the development does not lie within a drainage area under the jurisdiction of the Flood Control District. There is no need for you to send us copies of the improvement plans or final map.

We appreciate the opportunity to review plans which involve drainage matters and welcome continued coordination. If you have any questions, please call Mario Consolacion at 313-2257.

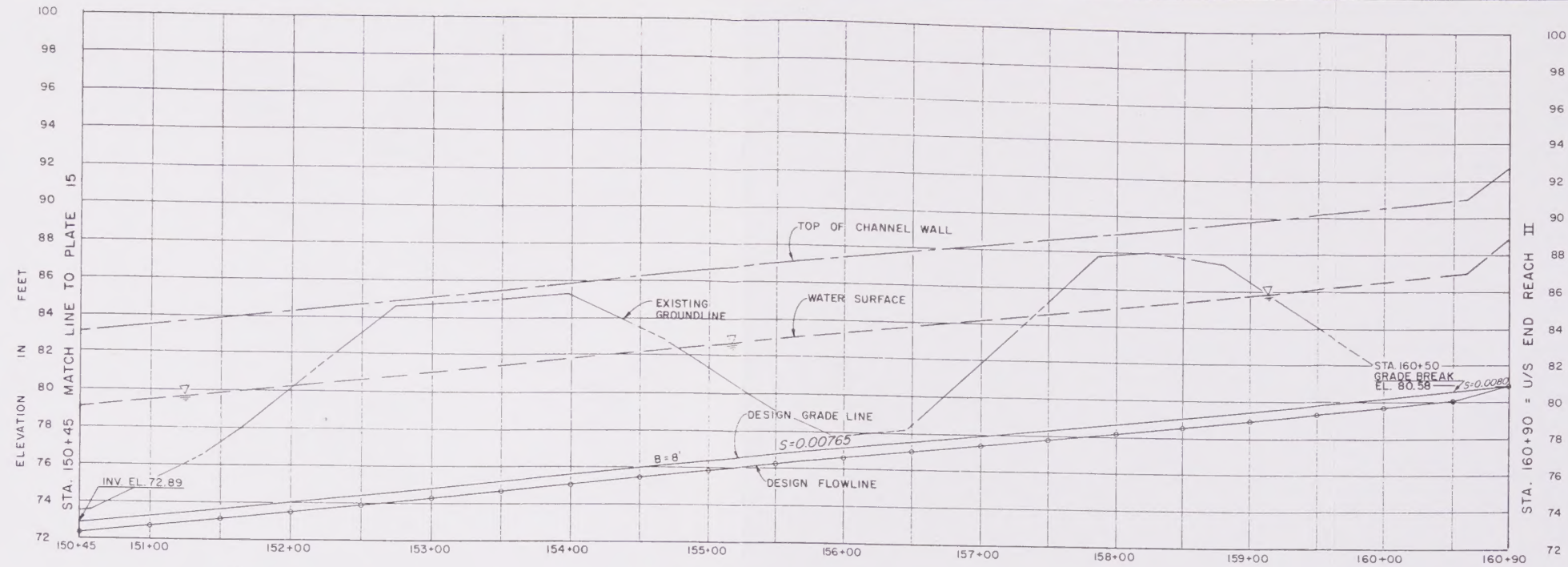
Very truly yours,

Tom Williams  
Associate Civil Engineer  
Flood Control Engineering

IV-12



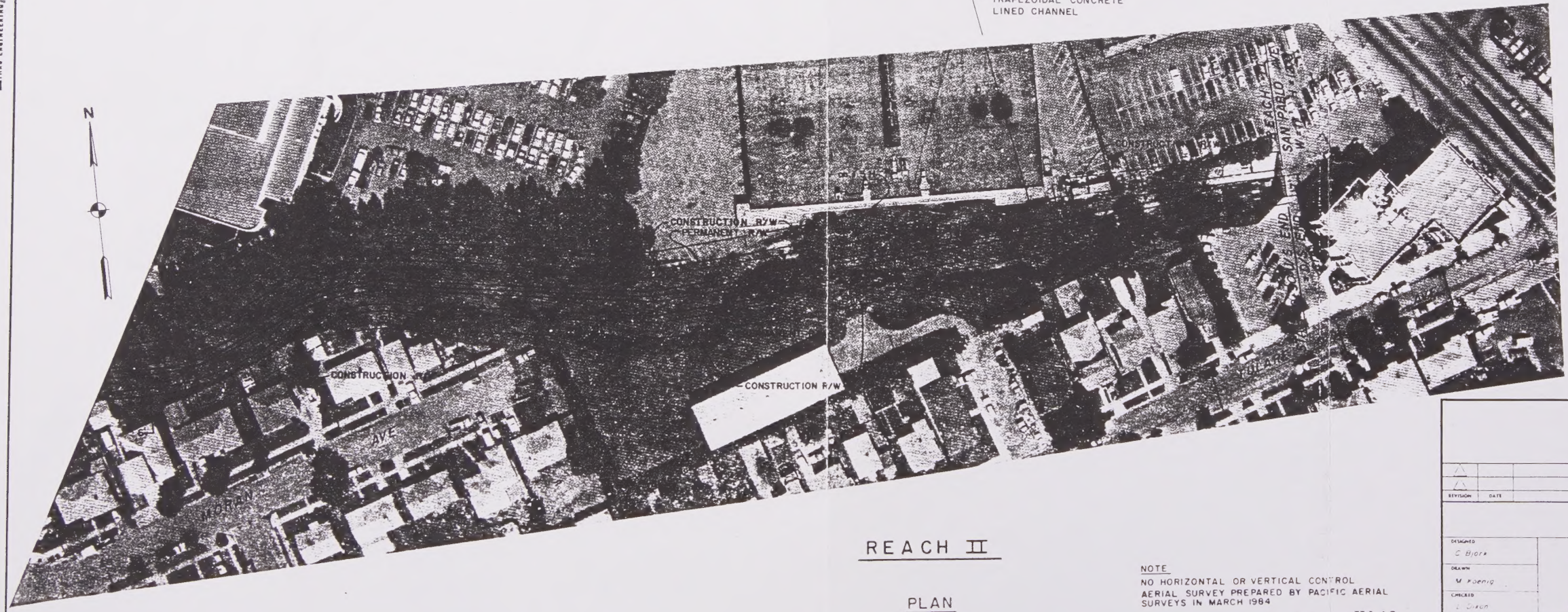




- LEGEND**
- TOP OF CHANNEL WALL
  - - - WATER SURFACE
  - DESIGN GRADE LINE (G.L.)
  - — DESIGN FLOW LINE (F.L.)

**PROFILE**  
 SCALE: 1" = 40' HORIZONTAL  
 1" = 3' VERTICAL

TRAPEZOIDAL CONCRETE  
 LINED CHANNEL



**REACH II**

**PLAN**  
 SCALE 1" = 40'-0"  
 (APPROXIMATE)

**NOTE**  
 NO HORIZONTAL OR VERTICAL CONTROL  
 AERIAL SURVEY PREPARED BY PACIFIC AERIAL  
 SURVEYS IN MARCH 1984

**GRAPHIC SCALE IV-13**  
 0 20' 40' 80' 120' 160' 200'  
 1" = 40'-0"

|                                                                                                                                           |  |                       |  |                     |  |                          |  |
|-------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------|--|---------------------|--|--------------------------|--|
| DESIGNED<br>C. Bjora                                                                                                                      |  | DRAWN<br>M. P. Dierig |  | CHECKED<br>J. Olson |  | SUBMITTED<br>[Signature] |  |
| DATE<br>[Blank]                                                                                                                           |  | DATE<br>[Blank]       |  | DATE<br>[Blank]     |  | DATE<br>[Blank]          |  |
| DIVISION                                                                                                                                  |  | DATE                  |  | DESCRIPTION         |  | BY                       |  |
| DEPARTMENT OF THE ARMY<br>SACRAMENTO DISTRICT, CORPS OF ENGINEERS<br>SACRAMENTO, CALIFORNIA                                               |  |                       |  |                     |  |                          |  |
| CONTRA COSTA COUNTY, CALIFORNIA<br>WILDCAT & SAN PABLO CREEKS<br>WILDCAT CREEK<br><b>PLAN &amp; PROFILE</b><br>STA. 150+45 TO STA. 160+90 |  |                       |  |                     |  |                          |  |
| SHEET                                                                                                                                     |  | FILE NO.              |  | SPEC. NO.           |  | WSP-20-12                |  |

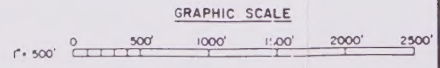
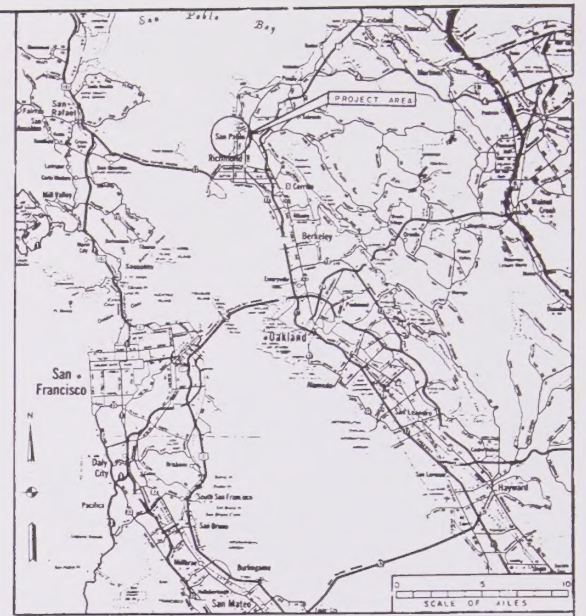
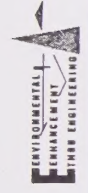








FUNCTION ANALYSIS - VE PAYS



LEGEND  
"B" = CHANNEL BOTTOM WIDTH

IV-14

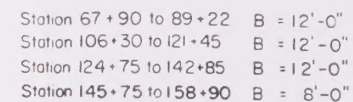
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|-----------------------------------------------------------------------------------------------------------------------------|--|-------------|-------------|----------|----|
| REVISION                                                                                                                    |  | DATE        | DESCRIPTION | BY       | ST |
| DEPARTMENT OF THE ARMY<br>SACRAMENTO DISTRICT, CORPS OF ENGINEERS<br>SACRAMENTO, CALIFORNIA                                 |  |             |             |          |    |
| CONTRA COSTA COUNTY, CALIFORNIA<br>WILDCAT & SAN PABLO CREEKS                                                               |  |             |             |          |    |
| GENERAL PLAN<br>& PROJECT STATIONING                                                                                        |  |             |             |          |    |
| SIGNATURES AFFIXED BELOW INDICATE OFFICIAL RECOMMENDATION AND APPROVAL OF ALL DRAWINGS IN THIS SET AS INDEXED ON THIS SHEET |  |             |             |          |    |
| APPROVAL                                                                                                                    |  | APPROVED    |             | DATE     |    |
| WAYNE J. SCHOLL                                                                                                             |  | [Signature] |             | 10/15/00 |    |
| PREPARED UNDER THE DIRECTION OF                                                                                             |  |             |             |          |    |
| SCALE AS SHOWN                                                                                                              |  |             |             |          |    |
| SHEET 1 OF 1                                                                                                                |  |             |             |          |    |
| WSP-20-12                                                                                                                   |  |             |             |          |    |





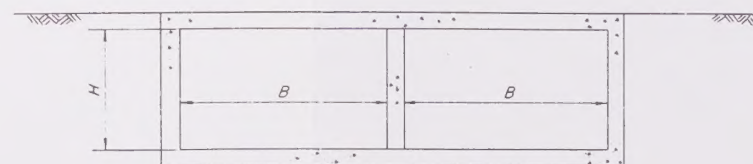


**ENVIRONMENTAL  
ENHANCEMENT  
ENGINEERING, INC.**

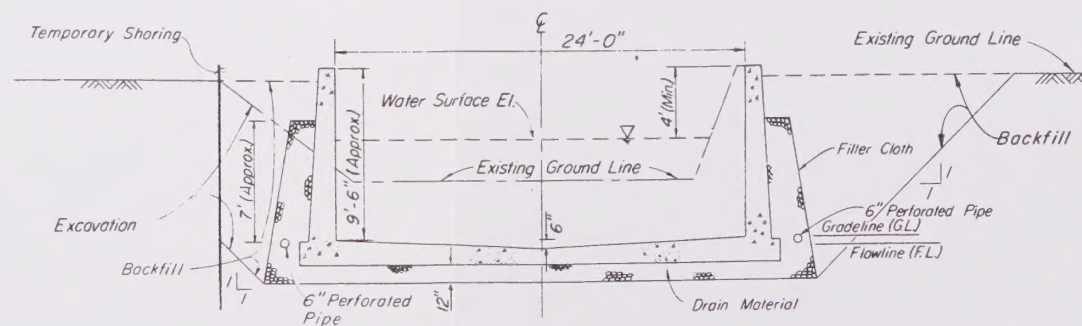


STA. 158 + 90 TO 160 + 90

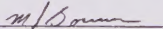
TRANSITIONS FROM A 8' CONCRETE TRAPEZOIDAL CHANNEL WITH  
1 V ON 1.5 H SIDE SLOPES TO A 12.3' BY 17' CONCRETE BOX  
CULVERT.



|                          |            |                     |
|--------------------------|------------|---------------------|
| Station 91+22 to 96+15   | B = 12'-0" | H = 7'-6"           |
| Station 105+05 to 106+00 | B = 24'-0" | H = 8'-0" (No Pier) |
| Station 123+45 to 124+45 | B = 11'-0" | H = 9'-0"           |



Station 96+15 to 105+05  
REACH II  
WILDCAT CREEK  
Typical Sections  
NOT TO SCALE

|                                                                                                                       |      |                                                                                                                                     |  |                |  |           |  |           |  |
|-----------------------------------------------------------------------------------------------------------------------|------|-------------------------------------------------------------------------------------------------------------------------------------|--|----------------|--|-----------|--|-----------|--|
|                                  |      |                                                                                                                                     |  |                |  |           |  |           |  |
| REVISION                                                                                                              | DATE | DESCRIPTION                                                                                                                         |  |                |  |           |  | BY        |  |
|                                                                                                                       |      | DEPARTMENT OF THE ARMY<br>SACRAMENTO DISTRICT, CORPS OF ENGINEERS<br>SACRAMENTO, CALIFORNIA                                         |  |                |  |           |  |           |  |
| DESIGNED:<br><i>C. Bjork</i>                                                                                          |      | CONTRA COSTA COUNTY, CALIFORNIA<br><b>WILDCAT &amp; SAN PABLO CREEKS</b><br>WILDCAT CREEK<br><br><b>TYPICAL SECTIONS - REACH II</b> |  |                |  |           |  |           |  |
| DRAWN:<br><i>D. Forbes</i>                                                                                            |      |                                                                                                                                     |  |                |  |           |  |           |  |
| CHECKED:<br><i>L. Dixon</i>                                                                                           |      |                                                                                                                                     |  |                |  |           |  |           |  |
| SUBMITTED:                                                                                                            |      | DATE APPROVED:                                                                                                                      |  | SCALE AS SHOWN |  | SPEC. NO. |  |           |  |
| <br>CHIEF CIVIL DESIGN SECTION C |      | <i>10/2/65</i>                                                                                                                      |  | SHEET          |  | FILE NO.  |  | WSP-20-12 |  |





CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION  
DISTRICT

1. As described on page 4-50 of the Draft EIR, stormwater from the project site would be conveyed to Wildcat Creek via the City's stormwater drainage system.
2. Since the project would not result in any alteration to Wildcat Creek, the project is not subject to the requirements of the California Department of Fish and Game nor the U.S. Army Corps of Engineers. The City has contacted these agencies and received concurrence that these agencies would not be involved in the project.

Any improvements made to Wildcat Creek would not be affected by the implementation and operation of the proposed project.

Wildcat Creek Neighborhood Coalition *WNC*

October 19, 1994

Craig Monroe, Planning Division Manager  
City of San Pablo Community Development Department  
One Alvarado Square  
San Pablo, CA 94806

Re: The Palace Gaming Casino  
Draft Environmental Report

Dear Mr. Monroe:

Upon review of the Draft EIR for the proposed Palace Gaming Casino, we still find many areas of concern. In our opinion, there are still errors and omissions throughout the document.

The proposal is described as not requiring major surface alterations or expansion, yet the issue of construction noise, dust and the associated heavy equipment are addressed. Sixteen acres will be graded. This appears inconsistent with the claim that no subsurface alteration of the parking lot and trailer park will occur. We believe that the modification of the site from a bowling alley and

1



residential trailer park to a 24-hour gaming facility with  
an 875 unit parking lot will require significant alterations  
for drainage, utilities and the leveling of the site. After  
completion, there will be a considerable increase in oil and  
gasoline content to any runoff to Wildcat Creek. Air  
emissions and noise levels to wildlife habitat and the  
residential communities will increase.

We also strongly believe that the introduction of a  
24-hour gaming facility will increase traffic in an already  
congested area. The San Pablo Dam Road /San Pablo Ave.  
intersection is already rated at an extremely low level of  
service, as the Draft EIR noted. This project only  
increases the congestion. The I-80 interchange at San Pablo  
Dam Road is one of the worst in West Contra Costa County,  
and the proposed project only adds to the problem.  
Acknowledging the I-80 interchange as a significant impact  
and then going ahead with the project is irresponsible and  
does not mitigate the impacts. This project will also  
result in increased traffic and drunken driving in the area  
and in the adjacent residential neighborhoods. Increased

crime levels are also a major concern. The Draft E.I.R. states that these problems are the responsibility of the neighboring communities; this does not adequately address the problem which requires further study.

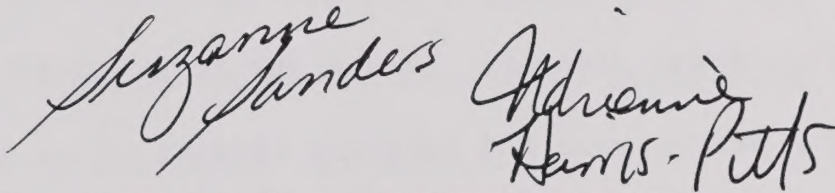
A draft EIR must describe a range of reasonable alternatives to the proposed project, or to its location, that could feasibly attain the project's basic objectives, and must evaluate the comparative merits of each alternative. This draft only addresses the Fry's alternative. A site at El Portal Shopping Center is not addressed. The citizens of San Pablo in an election have mandated their approval of a gaming facility in their community. Both the benefits and consequences of this decision should be vested in the citizens of San Pablo and not in adjacent residential communities in other cities. The Safeway store, Fabric Land and Mervyn's in El Portal Shopping Center are all scheduled to close imminently. El Portal Shopping Center is completely encompassed by the city of San Pablo and does not border on any adjacent municipalities. Moreover, the El Portal I-80 exchange is



municipalities. Moreover, the El Portal I-80 exchange is not as congested as the San Pablo Dam Road exchange. There is ample parking at the Shopping Center, and the card room would attract more people to the shopping center. In addition, the Richmond Parkway will enable visitors from Marin County and north to have convenient access. Plus, the El Portal location would be of concern only to the people of San Pablo.

Our review of the Draft E.I.R. has resulted in many areas of concern which we feel must be addressed. In addition to the seven areas, we request that the attached eighteen areas of concern also be addressed by the study.

Respectfully yours,

The block contains two handwritten signatures in cursive. The first signature is 'Suzanne Sanders' and the second is 'Adrienne Harris Pitts'.

Cindy Desgrandchamps      Suzanne Sanders      Adrienne Harris Pitts

Representatives, Wildcat Creek Neighborhood Coalition

## I. Earth

### c. Change topography or ground surface relief features?

We believe there will be adverse impacts, and that this issue should more fully addressed. Any cutting and fill activity to level the parking lot will result in excavation. While some lighting exists for part of the proposed parking lot, additional lighting will result in trenching for electrical conduit and light standards. Your claim that the utilities are adequate is unsubstantiated and needs to be addresses.

9

### e. Any increase in wind or water erosion of soils either on or off the site?

Excavation for any drainage systems changes might require subsurface excavations. This might reveal previously unknown prehistoric and historic remains.

10

## II. Air

### a. Substantial air emissions or deterioration of ambient air quality?



Cold starts of autos in the parking lot will have adverse effects on the health of nearby residents, children, families, as well as the sick and elderly in nearby convalescent homes and hospitals. This issue needs to be fully studied and addressed since it is not addressed in the Draft EIR. The unsubstantiated claim that it is an insignificant impact is unacceptable.

11

#### V. Animal Life.

##### d. Deterioration to existing fish or wildlife?

Increased carbon dioxide levels in the air and gasoline and oil running off into the waters of Wildcat Creek will have an adverse effect on fish, animals, and plants. This issue must be more fully addressed. Acknowledging increased emissions will be significant for 3-4 years and that the production of cleaner gasoline will eventually reduce the emissions is not an acceptable mitigation.

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#### VI. Noise

##### a. & b. Increase in existing noise levels?

The proposed project is a 24 hour facility. The bowling alley is open during normal working hours and the trailer park is a residential facility. As hard-working, tax-paying citizens of the neighboring residential community, we find the 76dBA noise level unacceptable for 24 hours a day. We are concerned that the elevated noise of a 24 hour facility and an 875 unit parking lot will not allow us to sleep at night because surrounding noise levels are normally lower. An increase from 20 to 227 trips during A.M. peak hours and from 120 to 492 during P.M. peak hours represent a significant increase in noise levels. We would like noise studies to substantiate your claims of no severe noise impact. A noise wall on the west and south boundaries of the site would help mitigate increase noise levels to the hospital and surrounding neighborhoods.

13

## VII. Light and Glare

### a. Produce new light or glare?

The proposed project will increase the parking lot from a 315 to 875 unit lot. The use of the property will change from a bowling alley and residential trailer park to a 24

14



hour gaming facility. Additional lighting will be required for safety and security. Downward-oriented high efficiency lighting will still produce more reflected glare.

Currently, the evergreen and deciduous plantings along the west and south boundary are an inadequate screen during the winter months. A noise wall and additional plantings to reduce glare for neighboring residential communities and the hospital should be addresses.

14

## XII. Housing

a. Affect existing housing or create a demand for additional housing?

This issue warrants further discussion. The occupants of the trailer park are being viewed as low-income housing occupants. Are they also the elderly and disabled? If this relocation will disproportionately affect any segment of the population, including the disabled and elderly, the issue must be addressed. Are state and federal guidelines for Americans with Disabilities being met? This particular aspect of the housing issue has not been addressed.

15

### XIII. Transportation/Circulation

d. Alterations to present patterns of circulation or movement of people and/or goods?

The proposed project will result in increased traffic congestion. The San Pablo Dam Road / San Pablo Avenue intersection currently has one of the lowest levels of service in the county. The I-80 interchange at San Pablo Dam road is already the most congested in West Contra Costa County. The proposed 24-hr. gaming facility and 875 unit parking lot will only add to the existing problems. It will continue to be a significant impact even after the proposed mitigation measures. These measures should be implemented prior to the opening of the Palace Gaming Casino. The measures do not adequately mitigate the problem.

16

f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?

The introduction of the proposed facility will add to the current traffic hazards to vehicles, bicyclists and pedestrians. The disruptions to working people who use the commute hour San Francisco buses could be significant. The

17



increase in vehicular traffic and intoxicated drivers will adversely affect children and families in the neighboring residential communities and convalescent facilities. Tax payers, including working parents living in the adjacent neighborhood, who use the San Pablo commute corridor to will have their daily schedules disrupted. Off-commute hour traffic will become heavier. These issues need to be recognized and addressed other than stating that the casino will police their on site problems and off site problems are the concerns of the surrounding communities.

17

#### XIV Public Service

At no time have you stated the proposed maximum capacity of the proposed facility. What will be the maximum capacity of the proposed facility, including patrons, employees and service personnel?

18

#### XV Energy

a. Use of substantial amounts of fuel and energy?

Changing the use of the site from a bowling alley and residential trailer park to a 24 hour gaming facility of

19

100 card tables will require greater use of energy and fuel. Any changes in the number and location of services will result in subsurface alterations. This issue must be addressed. The statement that no new utilities will be needed is not backed up by any statement of fact.

19

#### XVI Utilities and Service Systems

Will the proposal result in a need for new systems or substantial alterations to the following utilities?

The Draft Eir claims no changes will be needed. Services provided for a bowling alley and residential trailer park will be inadequate for a 24 hour gaming facility and an 875 unit parking lot. Any changes will result in subsurface excavations, and the issue should be addressed. Back your claim up with facts.

20

#### XX. Cultural Resources

a. Result in the alteration of or the destruction of a prehistoric or historic archaeological site?



Should any subsurface excavaton for leveling, utilities, drainage, light standards or any other construction activity occur, the destructon of subsurface archaeological remains could result. The bowling alley was constructed in the 1950's before enactment of the current CEQA and NEPA environmental laws. Therefore, no archaeological survey was conducted prior to its construction, and it is not known whether prehistoric or historic remains lie under the parking lot. Because the parcel is adjacent to Wildcat Creek, a freshwater source, and near historically significant Old Town, buried prehistoric and historic remains could be present under the protecting cap of the parking lot. We request that this issue be addressed in the E.I.R. It is acknowledged that these issues as well as soils and geotechnical issues would be addressed if a parking garage is built. We feel they should be addressed since the parking lot will be graded.

21

c. Have the potential to cause a change which would affect unique cultural values?

This question also needs to be addressed. What are the cultural and ethnic values of the residents of the trailer park who are going to be displaced? This question needs to be addressed.

22

## XXI Mandatory Findings of Significance

### a. Potential to degrade.

Wildcat Creek is a fish and wildlife habitat. The proposed change in the use of this site will affect the air, water, and habitat of any species that live there. This issue needs to be addressed.

23



## WILDCAT CREEK NEIGHBORHOOD COALITION

1. The commenter is incorrect in noting that 16 acres would be graded as a result of the project. The entire project site is 9.3 acres in size, of which approximately 6 acres would be resurfaced for use as a parking lot. Since the existing site is currently level (the change in elevation from one end of the project site to the other is less than five feet), no major topographic alteration would be required for resurfacing the site for use as a parking lot. The only subsurface alterations that would occur as a result of the project are associated with trenching that would be limited in scope and location for electrical services, drainage improvements, and utility upgrades. This is not considered to be major subsurface alterations. Therefore, the Initial Study, which is presented as Appendix A in the Draft EIR, adequately addresses the issues associated with earth movement at the project site and no further discussion is warranted.
2. As discussed on page 4-50 of the Draft EIR, expansion and use of the surface parking lot would increase the number and amount of pollutants generated at the project site. Mitigation Measure 4.5.2 requires the project applicant to incorporate best management practices as outlined in the City's stormwater plan to mitigate any water quality impacts associated with runoff from the parking lot. The implementation of this mitigation measure would eliminate any impacts to the Wildcat Creek riparian zone. Therefore, no further analysis of this issue is warranted.
3. The Draft EIR includes a discussion of the air quality and noise impacts associated with the operation of the proposed project (see pages 4-27 through 4-46). As stated on page 4-35 of the Draft EIR, the increase in air emissions resulting from the project would not exceed the significance thresholds established by the Bay Area Air Quality Management District (BAAQMD).
4. The commenter is correct in noting that the operation of a gaming club at the proposed site would result in an increase in traffic volumes at the San Pablo Avenue and San Pablo Dam Road intersection (see pages 4-15 through 4-21 of the Draft EIR). However, the implementation of Mitigation Measure 4.2.1 on page 4-20 of the Draft EIR would result in improvements to this intersection and allow this intersection to operate at an acceptable level of service in the year 2000.



5. The commenter is correct in noting that the operation of a gaming club at the proposed site would result in an unacceptable level of service at the I-80 and San Pablo Dam Road interchange. Although mitigation measures are identified to enable this interchange to operate at an acceptable level of service, this mitigation measure has not been funded and is, therefore, not considered to be feasible. For a detailed discussion of this issue, please see the response to comment #2 of the City of Richmond (Planning Director) letter.
6. Pages 4-15 and 4-17 of the Draft EIR identify the streets that would be used by persons accessing the proposed project. Please also see the response to comment #3 of the City of Richmond (Mayor) letter.

With respect to an increase in drunken driving, the management at the gaming club would be obligated to exercise their authority to not serve alcohol to persons that are intoxicated. The incidence of drunken driving from a gaming club is expected to be similar to that of the previous use of the site (the Lucky Lanes bowling alley). In addition, the San Pablo gaming ordinance does not permit free or reduced-price drinks for card players (see Section 9.04.280 of the ordinance, which is on page 30 of Appendix 8.3 in the Draft EIR). Therefore, no appreciable changes are anticipated to occur as a result of the proposed project.

7. The commenter is incorrect in the assertion that the Draft EIR indicates that any problems created by the gaming club would be responsibility of the neighboring community. The Draft EIR does acknowledge the various impacts that would occur as a result of the proposed project and identifies reasonable and feasible mitigation measures to reduce or eliminate these impacts. No mitigation measure identified within the Draft EIR that reduces a significant impact to a level of less-than-significant is required to be implemented by any neighboring community. Therefore, further analysis of this issue is not warranted.
8. The El Portal site was briefly considered by the City of San Pablo, but was not selected for further study in the Draft EIR. The City determined that the El Portal site was not a feasible alternative for the following reasons:
  - 1) this site would not result in a reduction in any significant impact identified for the proposed project;
  - 2) this site would result in some additional impacts that would not occur under the proposed project (e.g., the El Portal site would have significant land use compatibility impacts



since the site is near two public schools and it is likely that traffic impacts would be more severe than those for the proposed site since I-80 is not in close proximity to the El Portal site and the access road from I-80 to the El Portal Shopping Center primarily is a two-lane roadway);

- 3) this site would not allow the operator of the gaming club to provide a secure parking area for patrons;
- 4) this site is not readily available for development since it is not known when (or if) Mervyn's and/or Safeway would close their existing retail establishments at the El Portal site and the City does not desire to evict either business;
- 5) the buildings at this site are not of sufficient size to accommodate a 100-table gaming club;
- 6) this site is inconsistent with the City's goal of attracting additional retail establishments to the El Portal Shopping Center;
- 7) this site does not further Redevelopment Agency goals of reducing blight; and
- 8) this site is not consistent with City zoning (a gaming club is not permitted in the CBD zone at the El Portal Shopping Center).

As a result, this site was not analyzed in the Draft EIR. Exclusion of this site from analysis in the Draft EIR does not result in any inadequacy of the analysis contained in the Draft EIR.

The commenters opinions about the merits of the El Portal site are acknowledged and will be considered by the lead agency.

9. For a discussion of topographic alteration, please see the response to comment #1 of this letter.
10. The project site has been previously disturbed for the development of the bowling alley and the construction of roadways and pads serving the mobile home park. Any earthmoving activities necessary for on-site drainage improvements would be limited to shallow trenching. Therefore, no impacts are anticipated as a result of the project. If previously

undiscovered cultural resources are encountered at the project site, the project applicant would be required to follow state law regarding the discovery of such resources. These well-recognized State procedures for responding to such discoveries are adequate to mitigate any potential impacts.

11. The commenter is incorrect in stating that CO emissions resulting from the project were found to be insignificant in the Draft EIR. On page 4-36 of the Draft EIR, the air quality analysis concludes that the CO emissions resulting from the project would constitute a significant impact. Emissions from project traffic would contribute incremental increase to the ambient CO concentrations of the area. As stated on page 4-37, this would be a temporary significant unavoidable impact.
12. For a discussion of pollutants entering Wildcat Creek as a result of the project, please see the response to comment #2 of this letter.

The commenter is correct in noting that the vehicles generated by the proposed project would result in increased carbon monoxide concentrations in the site vicinity for the first three years of the project. Since this impact is considered to be temporary, it is not reasonable to require the project applicant to implement permanent mitigation measures. Such a requirement would not pass the "nexus rule" required to impose measures on project applicants (see also the response to comment #43 from the public hearing in Chapter V).

13. At full operation, noise levels are not expected to increase substantially over the level associated with the bowling alley uses. The Noise Element of the San Pablo General Plan describes the daylight noise level along San Pablo Avenue as subject to noise levels above 76 dBA, due to the proximity of I-80 and the 24-hour traffic on San Pablo Avenue and San Pablo Dam Road. The noise generated by traffic entering and leaving the project site would not be expected to exceed existing noise levels (i.e., this noise would not be distinguishable or louder than the existing traffic noise). Therefore, the Initial Study, which is presented as Appendix A in the Draft EIR, adequately addresses the issues associated with operational noise and no further discussion is warranted.

The existing building at the project site would act as a physical buffer for the residential units across Wildcat Creek from any increase in noise that may occur in the parking lot adjacent to San Pablo Avenue. Therefore, the commenter's suggested mitigation measure of a sound wall is not warranted since it would not mitigate a significant impact of the project.



14. The City would conduct design review during the approval permit for a use permit. Design review would include lighting plans, landscaping, and other design elements to be incorporated into the design of the project. The City would require the project applicant to incorporate City standards for lighting and landscaping into the final site plans for the project. One result of these requirements would be to reduce glare generated at the project site.
15. For a discussion of impacts on existing housing, please see the response to comment #1 of the City of Richmond (Planning Director) letter and the response to comment #1 of the City of Richmond (Mayor) letter. The City is required to fully comply with the Americans with Disabilities Act (ADA) and applicable State regulations on the relocation of residents at the existing mobile home park.
16. The commenter is correct in noting that the mitigation measures for the I-80 and San Pablo Dam Road interchange are not considered to be feasible and that this impact is considered to be significant and unavoidable. Please also see the response to comment #2 of the City of Richmond (Planning Director) letter. The decision to accept this impact or to delay the project will be made by the City and is not within the purview of the EIR.
17. The increase in traffic at intersections in the site vicinity would not necessarily result in any increase in traffic safety hazards for motorists, bicyclists, or pedestrians. The proposed project does not modify any existing traffic patterns; therefore, the operational safety of the existing intersections would not change. In fact, some traffic engineers believe that traffic safety is improved with an increase in traffic volume because traffic operates at slower speeds.

The commenter is incorrect in the assertion that daily schedules of San Pablo Avenue corridor commuters would be disrupted as a result of the project. As stated on pages 4-15 through 4-21 of the Draft EIR, all of the intersections along San Pablo Avenue would operate at an acceptable level of service with the implementation of the identified mitigation measures.

18. Based on employee estimates (see page 3-7 of the Draft EIR) and patron projections (see Table 4.2.8 on page 4-24 of the Draft EIR), the estimated maximum capacity of the gaming club would be 1,400 persons. This maximum number was used in the Draft EIR in order to

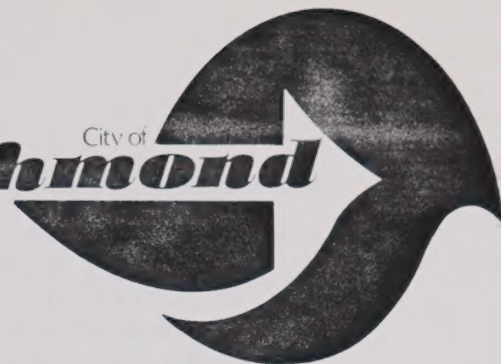
determine the impacts that could occur under worst-case conditions. The final maximum capacity will be determined by the West County Fire Protection District.

19. The existing project site is currently supplied with adequate electrical utilities; therefore, no upgrades of these facilities are expected to occur. The increase in energy/fuel consumption over current uses at the project site is not considered to be significant under CEQA. If utility upgrades were necessary, the upgrades would occur within the existing electrical utility right-of-way at the project site. Therefore, no new subsurface excavation would be required and this issue does not warrant further analysis.
20. For a discussion of utilities and service systems impacts, please see the response to comment #19 of this letter. As stated in the Initial Study (see Appendix 8.1 of the Draft EIR), all utilities at the project site are either adequate or can be easily upgraded with no significant impact.
21. The commenter is correct in noting that if subsurface excavation occurs at the project site, the destruction of previously unknown archaeological resources could be affected. Since the project does not include subsurface excavation other than minor shallow trenching, this impact is not expected to occur. The grading required for a level site that has been previously disturbed to accommodate the existing development is not likely to result in the discovery of any cultural resources. Therefore, no further analysis of this issue is warranted. Please also see the response to comment #10 of this letter.
22. The residents of the mobile home park do not represent any unique ethnic or cultural group. These residents will be relocated according to a plan that will be prepared by the San Pablo Redevelopment Agency. For a complete discussion of the relocation plan, please see the response to comment #1 of the City of Richmond (Planning Director) letter.
23. For a discussion of impacts to fish and wildlife in Wildcat Creek, please see pages 4-47 through 4-50 of the Draft EIR and the response to comment #2 of the Contra Costa County Flood Control and Water Conservation District.



MAYOR  
Rosemary M. Corbin

City of  
**Richmond**



October 20, 1994

Craig Monroe  
Community Development Department  
San Pablo, California 94806

Dear Mr. Monroe:

Many of my constituents are concerned about the potential impact of the Gaming Casino proposed for San Pablo.

I have read your DEIR for the Palace Gaming Casino and the comments which our Planning Department has sent to you, and I concur with those comments.

I want to support your efforts at economic development, but not at the expense of Richmond, so please address the following concerns so that both of our communities can develop without sacrificing our "quality of life."

1. Will the casino project adversely impact Richmond's housing supply? Will all of the displaced residents be placed in San Pablo?
2. Although one cannot prove at this stage of the project whether criminal activity will increase in the area because of the club, San Pablo needs to assure the adjacent community (Richmond) that if there is an increase in the need for law enforcement as a result of the gaming casino, the cost of that increase will be borne by the project proponents or the City of San Pablo.

Therefore, the EIR should address the potential for criminal activity. The statement that "A review of those studies has indicated that no correlation exists between crime rates and the operation of a gaming club" seems to ignore reality. I have read studies which do suggest a correlation, so I think you must explain why in this particular instance you can either assure us that there will be no increase in crime or if we can prove that the Richmond Police Department has had to increase its enforcement in the area because of the casino, provide for a method for compensating Richmond.

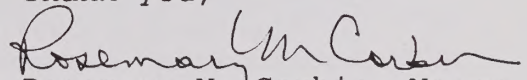
3. On behalf of the citizens of Richmond, particularly those in the North and East and East Richmond communities, I am puzzled by the non-chalance with which you describe the traffic impact which this project will cause. The I-80/San Pablo Dam Road interchange, the McBryde interchange, San Pablo Dam Road, San Pablo Avenue, Amador Street, Maricopa Street, and Rheem Avenue will all be impacted. You identify only the unavoidable significant adverse impact on the I-80/San Pablo Dam Road interchange. How can you ignore the others mentioned above--especially San Pablo Avenue?

3

You indicate in table 4.2.5 on page 4-19 that the flow of traffic on those intersections will be degraded by the project. A left turn lane and additional striping will not solve the problem. The widening of the San Pablo Dam Road overpass will help, but limiting the ability of East Richmond citizens to exit their community in order to accommodate gamblers is unacceptable.

In conclusion please document: 1) The impact the project will have on Richmond's housing supply; 2) The reasons why there will be no increase in crime or provide a method for compensating Richmond Police Department; 3) Provide adequate mitigation for the traffic impacts on San Pablo Dam Road, San Pablo Avenue, Amador, Maricopa and Rheem Streets.

Thank you,

  
Rosemary M. Corbin, Mayor  
City of Richmond

RMC:bj

cc: Richmond City Council  
East Richmond NHC  
North and East NHC  
Floyd Johnson, City Manager



## CITY OF RICHMOND (Mayor)

1. Impact 4.1.2 on page 4-7 of the Draft EIR indicates that the proposed project would result in the removal of the housing units on the Wong Property, which is in the City of San Pablo. No housing units would be removed within the City of Richmond; however, it is possible that some of the residents from the existing mobile home park would be relocated to available housing units within the City of Richmond. It is not anticipated that all 29 households would be relocated to the City of Richmond, but that it is more likely that residents would be relocated to available housing units throughout western Contra Costa County. Therefore, no adverse effects on the City of Richmond's housing supply are expected to occur.

The draft Replacement Housing Plan (see Appendix A of this document) indicates that 89 housing units have been identified within the City of San Pablo for replacement of the low- and moderate-income housing units removed as a result of the proposed project. Please see the response to comment #1 of the City of Richmond (Planning Director) letter for a discussion of the difference between the implementation of the draft Replacement Housing Plan and the relocation of residents from the Wong Property.

2. For a discussion of the studies on the correlation between criminal activity and a gaming club, please see the response to comment #3 of the City of Richmond (Planning Director) letter.
3. As discussed on pages 4-15 through 4-21 of the Draft EIR, the increase in vehicles on roadways in the site vicinity resulting from the operation of the gaming club would affect several of the intersections in the site vicinity. As the commenter has noted, the I-80 and San Pablo Dam Road interchange is considered to be a significant, unavoidable adverse impact of the proposed project. The Draft EIR also discusses the traffic impacts to San Pablo Avenue, San Pablo Dam Road, and four other intersections along San Pablo Avenue. Table 4.2.5 on page 4-19 of the Draft EIR indicates that the only intersection along San Pablo Avenue that would be affected by vehicles generated by the proposed project is the intersection with San Pablo Dam Road. Implementation of Mitigation Measure 4.2.1 on page 4-20 of the Draft EIR would improve the level of service at this intersection to an acceptable level.

Traffic impacts associated with the McBryde Avenue interchange with I-80 would not occur as a result of the proposed project. Table 4.2.5 on page 4-19 of the Draft EIR indicates that

the increase in the number of vehicles that would use the San Pablo Avenue and McBryde Avenue intersection would not affect the operation of this intersection. Therefore, it is not anticipated that the increase in vehicles at the I-80 and McBryde Avenue interchange would affect the operation of this interchange.

As stated on page 4-15 of the Draft EIR, approximately 10 percent of traffic generated by the proposed project would use San Pablo Avenue south of the project site (a maximum of approximately 250 vehicles). This increase in vehicles would not affect the level of service along San Pablo Avenue south of the project site (see Table 4.2.5 on page 4-19 of the Draft EIR). It is not anticipated that all 250 vehicles would use either Maricopa Street or Rheem Avenue. If all vehicles did use either street, this would result in approximately 25 vehicles during the p.m. peak hour. This increase would not be considered significant.



October 20, 1994

Mr. Craig Monroe  
Planning Director  
City of San Pablo  
Community Development Department  
One Alvarado Square  
San Pablo, CA 94806

SUBJECT: Palace Gaming Casino, San Pablo  
Draft Environmental Impact Report (DEIR)

Dear Mr. Monroe:

Thank you for the opportunity to review the subject environmental document. The District has the following comments regarding water service to the proposed project.

As stated in the District's earlier response on the Notice of Preparation, this project may impact the District's finite water supply. To help mitigate the impact of additional water demands, the District recommends that water conservation measures be required as a standard feature in the design and construction of the proposed project. The District encourages the use of equipment, devices, and methodology for plumbing fixtures and irrigation that furthers water conservation and will provide for long-term, efficient water use. The District also encourages the selection of drought resistant plants, use of inert materials, and minimal use of turf areas.

1

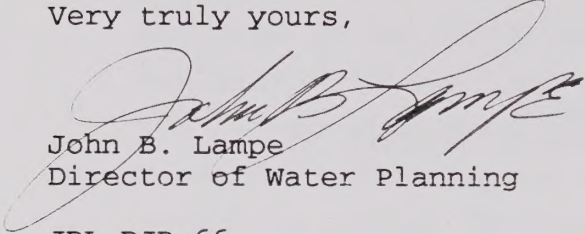
The subject property currently has water service. A main extension, at the project sponsor's expense, may be required depending on the fire flow requirements set by the Contra Costa County Fire Protection District. Off-site pipeline improvements, also at the project sponsor's expense, may be required to meet the fire flow requirements. The location, extent, and cost of these pipeline improvements will be determined when the project sponsor requests water service to the project site. When the project plans are finalized, the project sponsor should request a water service estimate from the District's New Business Office to determine costs and conditions of providing water service to the proposed project. Engineering and installation of water mains often requires substantial lead time which should be provided for in the project sponsor's development schedule.

2

Mr. Craig Monroe  
October 20, 1994  
Page 2

If you have any questions, or if the District can be of further assistance, please contact Prab M. Jog, Senior Civil Engineer, Water Service Planning, at (510) 287-1026.

Very truly yours,



John B. Lampe  
Director of Water Planning

JBL:DJR:66  
9412.wp6



EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)

1. As part of the City's design and approval process, water conservation measures will be incorporated, as feasible, into the proposed project. This process includes compliance with the City's landscaping ordinance, which is based on EBMUD's model ordinance.
2. If a water main extension is required as part of the proposed project, the project applicant will coordinate with EBMUD to provide adequate water service at the gaming club. It is recognized that any coordination effort with EBMUD is a well- established procedure that is appropriate to the provision of water services for specific projects.



# Pinole California

Community Development Department

2121 Pear Street  
Pinole, CA 94564

Phone (510) 724-9014  
Fax (510) 724-4921

October 21, 1994

Craig Monroe, Planning Director  
City of San Pablo  
One Alvarado Square  
San Pablo, CA 94806

Re: Draft EIR for the Palace Gaming Casino

Dear Craig:

The City of Pinole Community Development Department has reviewed the Draft EIR for the above mentioned project and has the following comments:

1. On Page 4-53, Impact 4.6.1, in the first paragraph it states "The number of calls for police service from a gaming club would be similar to the number of calls associated with a commercial/recreational facility of comparable size (Krathwohl)." The basis for this statement is a personal communication with the Police Chief.

What expertise does the Police Chief have in the area of crime resulting from a gaming casino? Determining whether the City of San Pablo has adequate police to respond to calls for service should not be based on empirical information only. There are numerous cities and counties in California where gaming casinos exist. There should be enough factual information that could be analyzed to support or refute the Police Chief's statement.

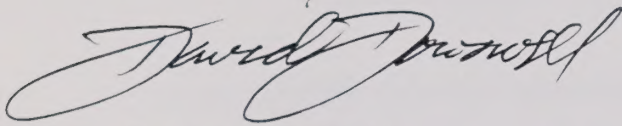
2. On Page 4-54, Impact 4.6.2, in the first paragraph it states "Numerous studies have been completed that analyze the link between the operation of a gaming club and criminal activity. A review of those studies has indicated that no correlation exists between crime rates and the operation of a gaming club (Krathwohl). Again, the basis for this statement is a personal communication with the Police Chief.

What expertise does the Police Chief have in the area of crime resulting from a gaming casino? If there are reports on this subject the reports should be cited and included as a appendix to the EIR.



The City of Pinole hopes these comments will be addressed prior to approving the Final EIR. If you have any questions give me a call at 724-9014.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Dowsell".

David Dowsell  
City Planner

cc: Donald Bradley, City Manager  
Marc Grisham, Community Development Director

CITY OF PINOLE

1. For a discussion of the reports and studies used to determine the correlation between a gaming club and criminal activity, please see the response to comment #3 of the City of Richmond (Planning Director) letter. Since the data exists to support the conclusion that no correlation exists, no increase in the number of police officers would be necessary.
2. For a discussion of the reports and studies used to determine the correlation between a gaming club and criminal activity, please see the response to comment #3 of the City of Richmond (Planning Director) letter. A summary of the Chief of Police's review of these reports and studies is included as Appendix B of this document.



RECEIVED  
OCT 28 1994  
MCM

TO: CITY OF SAN PABLO  
ATTENTION: M.C. MONROE, PLANNING DIRECTOR

FROM: CITIZENS FOR COMMON SENSE  
6210 BAY VIEW AVENUE  
SAN PABLO, CA 94806

DATE: OCTOBER 27, 1994

**GENERAL DISCUSSION OF EIR ADEQUACY**

OUR REVIEW OF THE DEIR FOR THE PALACE GAMING CASINO REVEALED NUMEROUS OMISSIONS THROUGHOUT THE DOCUMENT THAT RENDERS IT INADEQUATE FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE LOSS OF HOUSING AND EFFECT ON THE EXISTING RESIDENTS OF THE SITE IS ONLY MINIMALLY DISCUSSED, THE EFFECT OF 24-HOUR LIGHT AND NOISE INTRUSION ON THE ADJACENT CITY OF RICHMOND RESIDENTIAL NEIGHBORHOOD IS INADEQUATELY ADDRESSED, AND THE SEVERE TRAFFIC IMPACTS ARE INADEQUATELY ANALYZED, AND UNMITIGABLE.

THIS RANGE OF SERIOUS ISSUES SHOULD CAUSE THE CITY TO FIND A SITE WHERE THERE WILL BE NO ADVERSE IMPACTS TO EXISTING RESIDENTS AND NO RESULTING UNMITIGABLE CONDITIONS.

**SOME OF OUR SPECIFIC CONCERNS ARE AS FOLLOWS:**

**TRAFFIC: THE SCOPE OF THE ANALYSIS IS TOO NARROW**

INADEQUATE DESCRIPTION OF EXISTING CONDITIONS:

INTERSECTIONS BETWEEN I-80/SAN PABLO DAM RD./AMADOR ST. ARE TOTALLY IGNORED IN THE EIR, YET EXISTING PM PEAK HOUR BACKUPS ARE SERIOUS...SIGNALS ARE TOO CLOSELY SPACED...VEHICLES STACK BEYOND THE CAPACITY OF THE TURN LANES TO ACCOMMODATE. THIS CREATES HAZARDS DURING THE COMMUTE HOUR ...FOR EXAMPLE, DRIVERS RISK COLLISION TO TURN LEFT OUT OF THE PAYLESS PARKING LOT ONTO SAN PABLO DAM RD.

AMADOR STREET IS NOT DESCRIBED AT ALL, YET THIS APPROACH TO THE I-80/SAN PABLO DAM ROAD INTERSECTION CURRENTLY CARRIES MORE AM AND PM PEAK HOUR TRAFFIC THAN ANY OTHER INTERSECTION APPROACH (SEE TRAFFIC VOLUMES, APPENDIX 8.5). THIS OMISSION IS PARTICULARLY SURPRISING IN THAT THIS IS THE ONE INTERSECTION OPERATING UNACCEPTABLY DURING THE PM PEAK HOUR, THUS ATTENTION TO ALL ROADWAY APPROACHES TO THIS INTERSECTION ARE OF CRITICAL IMPORTANCE TO EIR ADEQUACY.

THE SETTING SECTION OF THE EIR DOESN'T EVEN DESCRIBE EXISTING SAFETY HAZARDS OR OBSERVED SAFETY PROBLEMS...THIS IS A SURPRISING OMISSION BY BOTH THE CONSULTING TRAFFIC ENGINEERS/ANALYSTS AS WELL AS THE CITY STAFF, WHO KNOW STANDARD REQUIREMENTS FOR EIR ANALYSIS

HOW "RECENT" IS THE EXISTING TRAFFIC COUNT DATA? THE SOURCE STUDIES CITED ARE 1993 AND 1994, BUT HOW RECENT IS THE COUNT DATA THEY RELY UPON FOR THEIR ANALYSIS?



THE RULE OF THUMB FOR MANY JURISDICTIONS, AND OFTEN FOR CALTRANS, IS THAT DATA IN EXCESS OF TWO YEARS OLD IS TOO OLD TO BE CONSIDERED VALID, AND IN SOME HEAVILY IMPACTED LOCATIONS WHERE GROWTH IMPACTS ARE SEVERE, ONE YEAR IS THE MAXIMUM AGE OF VALID COUNTS.

8

INADEQUATE PRESENTATION OF PROJECT-RELATED IMPACTS:

PAGE 4-17 FAILS TO STRESS THAT WITH THE PROJECT, THE I-80/EB ON-RAMP LOS F V/C RATIO WOULD FURTHER DETERIORATE

BECAUSE OF THE EXTREMELY POOR (LOS F) PM PEAK HOUR OPERATION OF THE SAN PABLO DAM ROAD/I-80/AMADOR STREET INTERSECTION, USE OF THIS FREEWAY EXIT MAY NOT BE AS INDICATED IN THE DEIR. THE IMPACT WOULD LIKELY SPILL OVER THE AMADOR-TO- MC BRYDE-TO- SAN PABLO AVENUE ROUTE. HOWEVER, THE IMPACTS TO THESE INTERSECTIONS WERE NOT ANALYZED.

9

MITIGATION MEASURES WOULD CREATE MAJOR IMPACTS THAT ARE NOT ANALYZED, AND SIGNIFICANT IMPACTS ARE UNMITIGABLE:

MITIGATION MEASURE 4.2.2 RECOMMENDS CONVERTING AMADOR STREET TO RIGHT TURN IN AND RIGHT TURN OUT OPERATION, ONLY...THIS WOULD CREATE AN IMPACT OF MAJOR SIGNIFICANCE. CLOSING OFF THE THROUGH AND LEFT TURN OPTIONS FOR NORTHBOUND AMADOR TRAFFIC WOULD RESULT IN SUBSTANTIAL REROUTING OF TRAFFIC THROUGH RESIDENTIAL AREAS. **(REMEMBER...THIS IS THE MAJOR VOLUME INTERSECTION APPROACH TO THE STUDY INTERSECTION WITH THE WORST EXISTING LEVEL OF SERVICE OPERATION )**

**THE SUBSEQUENT REROUTING OF TRAFFIC FROM AMADOR STREET IS NOT ADDRESSED ANYWHERE IN THE EIR...THIS OMISSION IS UNACCEPTABLE AND SHOULD TRIGGER RECIRCULATION OF THE DEIR TO ALLOW REVIEW AND RESPONSE TO ANALYSIS OF THE IMPACTS OF THIS MITIGATION MEASURE.**

10

**BE ASSURED THAT ANY SERIOUS PROPOSAL TO RESTRICT THE USE OF AMADOR STREET WOULD INITIATE A MAJOR PUBLIC CONTROVERSY, ENTIRELY SEPARATE FROM CONCERNS OVER THE SITING OF THE CASINO PROJECT.**

**THERE ARE NO EXISTING FUNDS TO WIDEN THE SAN PABLO DAM ROAD I-80 OVERCROSSING TO SIX LANES, YET THE EIR STATES THAT THIS IS ESSENTIAL TO MITIGATING THE TRAFFIC IMPACTS OF THIS PROPOSAL...**

**THE PROJECT SHOULD NOT BE APPROVED WITHOUT FEASIBLE MITIGATION MEASURES AND AN IMPLEMENTATION PLAN AND SCHEDULE FOR REMEDYING THIS SEVERE TRAFFIC IMPACT. THE PROJECT PROPONENTS SHOULD BE REQUIRED TO PAY FOR REQUISITE MITIGATIONS AND ANY NEEDED INFRASTRUCTURE IMPROVEMENTS SHOULD BE IN PLACE BEFORE ANY PROJECT TRAFFIC IS ALLOWED TO FURTHER CONGEST THIS CRITICALLY IMPACTED INTERSECTION AND ROADWAY SYSTEM.**

PARKING ISSUES:

MITIGATION MEASURE 4.2.4B. RECOMMENDS A COMPREHENSIVE PARKING STUDY...THEN CONCLUDES THAT THE IMPACT OF INSUFFICIENT PARKING SUPPLY WOULD BE INSIGNIFICANT...HOW CAN THIS CONCLUSION BE REACHED IN ADVANCE OF THE PARKING STUDY BEING COMPLETED?

11



OTHER ISSUES:

THERE IS NO DISCUSSION OF THE IMPACT OF THE CASINO TRAFFIC ON NEARBY BUSINESSES...HOW MUCH SPILLOVER PARKING MIGHT OCCUR? DURING EVENTS WHEN THE PROPOSED BANQUET ROOM IS IN USE, HOW MUCH WORSE MAY THE PARKING PROBLEM BECOME?

12

**ALTERNATIVE SITES:**

THE DEIR PRESENTS ANALYSIS OF ONLY ONE ALTERNATIVE SITE, IMMEDIATELY RAISING QUESTIONS OF EIR LEGAL ADEQUACY, AND THE ONE SITE ANALYZED HAS ALREADY BEEN PURSUED AS A POTENTIAL SITE, ONLY TO BE DISMISSED FOR A VARIETY OF REASONS (DETAILED BELOW). HOWEVER, MOST OF THE KNOWN PROBLEMS WITH THE ONE ALTERNATIVE SITE ANALYZED ARE CURIOUSLY OMITTED FROM DISCUSSION IN THE DEIR.

**FORMER FRY'S SHOPPING CENTER SITE**

THIS ANALYSIS IS SERIOUSLY INADEQUATE...MOST OF THE ENVIRONMENTAL FATAL FLAWS OF THIS SITE HAVE NOT BEEN DISCLOSED IN THE EIR.

THE EIR SHOULD FULLY EXPLORE ISSUES PERTAINING TO THIS SITE AS FOLLOWS:

POTENTIAL IMPACTS ON ADJACENT LAND USES:

THE SITE IS ADJACENT TO TWO CHURCHES THAT OPPOSE GAMBLING AS AN ADJACENT LAND USE, AND STRONGLY OPPOSE THE CASINO PROJECT. THE CATHOLIC ARCHDIOCESE HAS SPONSORED A CAMPAIGN TO INVOLVE PARISHIONERS IN OPPOSING THE CASINO PROJECT. THERE ARE GROUNDS FOR OBJECTION IN RELATION TO LONG-ESTABLISHED PLANNING GUIDELINES THAT DISCOURAGE PLACEMENT OF USES INVOLVING LIQUOR SALES NEXT TO PLACES WHERE YOUTHS GATHER. THE STATE LIQUOR BOARD CONSIDERS THIS ISSUE AMONG OTHERS IN DETERMINING WHETHER TO GRANT A LIQUOR LICENSE. ST. CALLISTUS CHURCH AND OTHER CITIZEN GROUPS HAVE CORRESPONDED WITH THE STATE BOARD TO ENCOURAGE DENIAL OF THE LICENSE, WHICH WOULD BE ESSENTIAL TO THE CASINO OPERATION.

13

THE SITE IS ON THE BOUNDARY WITH THE CITY OF RICHMOND\*, AND AS SUCH IS WITHIN THE SPHERE OF INFLUENCE OF RICHMOND. THE PROJECT SHOULD REQUIRE JOINT APPROVAL OF THE COUNCILS OF BOTH RICHMOND AND SAN PABLO. THE CITY OF RICHMOND IS ON RECORD AS BEING CONCERNED ABOUT THE EFFECT OF THE CASINO ON POLICE SERVICES, AND THE QUALITY OF LIFE OF RICHMOND RESIDENTS. THIS IS AT ISSUE BOTH FOR THE SAN PABLO AVENUE SITE AND FOR THE SAN PABLO DAM ROAD SITE.

\*NOTE: PART OF THE FRY'S SHOPPING CENTER SITE MAY ACTUALLY BE WITHIN THE RICHMOND CITY BOUNDARIES - RESOLUTION OF THIS ISSUE MAY REQUIRE A BOUNDARY SURVEY.

TRAFFIC ISSUES:

TRAFFIC PROBLEMS ARE LIKELY UNMITIGABLE AT THIS SITE (FOR REASONS SIMILAR TO THOSE AT THE CURRENT SITE -- THE I/80/AMADOR/SAN PABLO DAM ROAD INTERSECTION PROBLEM

SITE IS MUCH TOO SMALL:

THE REQUISITE 875+ PARKING SPACES REQUIRED FOR THE CASINO COULD NOT POSSIBLY BE ACCOMMODATED ON THE 6.7 ACRE FRY'S SITE.



### GEOLOGICAL INSTABILITY

THE SEVERE GEOLOGICAL INSTABILITY OF THE HILLSIDE IN THE SOUTHERN PORTION OF THE SITE HAS BEEN WELL DOCUMENTED IN EIR'S ON FILE WITH THE CITY OF SAN PABLO (SEE GEOLOGICAL ASSESSMENTS FOR THE RALEY'S CENTER AND ADJACENT RESIDENTIAL SUBDIVISION PROJECT).

### WETLAND INDICATOR SPECIES

WETLAND PLANTS HAVE BEEN IDENTIFIED ON THE HILLSIDE IN THE SOUTHERN PORTIONS OF THE SITE BY CONSULTING BIOLOGIST JAMES DUNNE.

### HAZARDOUS MATERIALS

A PORTION OF THE SITE WAS FORMERLY OCCUPIED BY A GASOLINE SERVICE STATION. THE SITE LIKELY HAS AN UNDERGROUND FUEL TANK AND /OR CONTAMINATED SOILS THAT WOULD REQUIRE REMEDIATION (CLEAN-UP) BEFORE IT IS CONSIDERED HABITABLE BY ANY NEW LAND USE.

THESE ISSUES, AT A MINIMUM, SHOULD BE PRESENTED IN THE DEIR TO FULLY DISCLOSE FACTORS PERTAINING TO THE REASONS THAT THIS ALTERNATIVE SITE WAS ABANDONED AFTER HAVING BEEN ORIGINALLY SELECTED AS THE PROJECT SITE.

WE RESPECTFULLY REQUEST FULL ANSWERS TO EACH OF THE ISSUES RAISED, AND FOR THAT REASON REQUEST THAT THE EIR PREPARERS BE ALLOWED SUFFICIENT TIME TO RESCOPE THE ISSUES TO BE ADDRESSED. WE URGE CORRESPONDENCE WITH CALTRANS REGARDING MAKING THE SAN PABLO DAM ROAD FREEWAY OVERCROSSING A REALITY PRIOR TO PROJECT CONSTRUCTION, AND ENCOURAGE FINDING TOLERABLE WAYS TO MITIGATE THE EXISTING TRAFFIC PROBLEMS THAT WOULD BE WORSENERED BY THIS PROJECT. WE ASK THAT ALTERNATIVE SITES BE ADEQUATELY ADDRESSED AND THAT THE EIR PREPARERS BE ALLOWED TIME TO PERFORM A SERIOUS SEARCH FOR A SITE THAT WOULD NOT RESULT IN UNMITIGABLE IMPACTS.

WE OBJECT TO THE TIME FRAME (TREMENDOUS RUSH) TO WHICH THIS SUBSTANTIAL PROPOSAL HAS BEEN SUBJECTED, WITH THE RESULTING "LIGHT" LEVEL OF ANALYSIS AND SWEEPING INADEQUACIES IN THE DEIR. **WE URGE RECIRCULATION OF A DEIR THAT IS ADEQUATELY SCOPED, AND ENCOURAGE ANALYSIS OF ANY IMPACTS THAT MAY RESULT FROM MITIGATIONS MEASURES SUGGESTED. THIS IS ESSENTIAL TO CEQA COMPLIANCE.**

WE FURTHER REQUEST THAT ANY PUBLIC HEARING ON A RESPONSE TO COMMENTS (FEIR) BE SCHEDULED AFTER THE INTERESTED PUBLIC HAS HAD AN OPPORTUNITY TO READ THE RESPONSES AND ASSESS THEIR ADEQUACY.

THANK YOU FOR ALLOWING US THE OPPORTUNITY TO SPEAK TO THESE IMPORTANT ISSUES.

CITIZENS FOR COMMON SENSE:

ANNA ALVAREZ-BOYD

CAROLYN COLE

TONY DIAMANTIDIS

JOHN GIOIA

MAGGIE O'DONNELL

BOB SULLIVAN



## CITIZENS FOR COMMON SENSE

1. For a discussion of the impacts to current residents of the project site, please see the response to comment #1 of the City of Richmond (Planning Director) letter.
2. Development of the proposed gaming club would not result in any physical alterations along the project site's boundary with Wildcat Creek (i.e., adjacent to the residential units within the City of Richmond). The existing building at the project site, which would undergo interior renovations, would act as a physical buffer for these residential units from any increase in noise and light that may occur in the parking lot adjacent to San Pablo Avenue. Therefore, no further analysis of this issue is warranted.
3. The Draft EIR includes a thorough analysis of the traffic impacts associated with the proposed project (see pages 4-15 through 4-21). The commenter is correct in noting that one of the conclusions of the traffic impact analysis is that the impacts associated with the proposed project at the I-80 and San Pablo Dam Road interchange are considered to be significant and unavoidable.
4. According to Section 21002.1(a) of CEQA, "The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." The EIR is intended to be a tool for the City Council to use when deciding whether to approve the project. Section 21002.1(c) of CEQA states that if "economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, such project may nonetheless be approved or carried out at the discretion of a public agency, provided that the project is otherwise permissible under applicable laws and regulations." Therefore, the City is not required to locate an alternative site with no adverse impacts.
5. The Draft EIR applies the standard traffic analysis methodology that the level of service along a short segment of roadway is dependent on the controlling intersections at the end of the short segment. This approach is appropriate for determining the impacts along San Pablo Dam Road. Two signalized intersections and one unsignalized intersection exist along San Pablo Dam Road between San Pablo Avenue and I-80. The streets intersecting San Pablo Dam Road in this area are minor streets and access roadways to commercial development. In this segment of San Pablo Dam Road, those intersections that govern the traffic conditions



occur at either end (i.e., the "controlling intersections" of the I-80 and San Pablo Dam Road interchange and the San Pablo Avenue and San Pablo Dam Road intersection). The intersections referred to by the commenter do not govern the traffic conditions. The conditions at the intersections that govern traffic conditions influence and control the operation of the intervening intersections. By thoroughly discussing the impacts that would occur at the controlling intersections, the Draft EIR adequately discloses the impacts that would occur along San Pablo Dam Road. Therefore, no further analysis of this issue is warranted.

6. For purposes of the Draft EIR analysis, the close proximity of the Amador Street intersection to the I-80 eastbound ramps and the interconnection of the signal operation for the entire interchange results in traffic conditions that are similar at both intersections. The level of service estimates shown for the I-80 eastbound ramps and San Pablo Dam Road intersection is representative of the conditions at the San Pablo Dam Road and Amador Street intersection. The commenter is incorrect in stating that the Amador Street approach carries more AM and PM peak hour traffic than any other approach. In fact, traffic volumes on Amador Street are about 50 percent of the traffic volumes on the I-80 eastbound off-ramp.
7. For a discussion of traffic safety impacts associated with the proposed project, please see the response to comment #17 of the Wildcat Creek Neighborhood Coalition letter.
8. The existing traffic count data consists of peak hour intersection turning movement counts taken in January of 1993 and May of 1994. The only exception is the I-80 and San Pablo Dam Road intersection, which was conducted in 1990. Please also see the response to comment #8 of the East Richmond Neighborhood Council letter. These data are recent enough to adequately serve the needs of the Draft EIR's impact analysis. The 1990 data does not invalidate the EIR analysis or its conclusions.
9. As stated in Table 4.2.4 on page 4-18 of the Draft EIR, the V/C ratio at the I-80 eastbound ramps and San Pablo Dam Road intersection will increase. Additionally, Impact 4.2.2 on page 4-20 of the Draft EIR discusses the entire interchange, including both the eastbound and westbound ramps intersection with San Pablo Dam Road, and clearly indicates that the project would add traffic to those intersections and that the impact would be considered significant.



The San Pablo Avenue and McBryde Avenue intersection was analyzed in the Draft EIR (see pages 4-15 through 4-21). The modelling efforts used to evaluate traffic impacts account for these spillover effects. Therefore, no further analysis is warranted.

10. For a discussion of the residual impacts associated with the mitigation measure to modify the operational characteristics of Amador Street, please see the response to comment #2 of the City of Richmond (Planning Director) letter.
11. Impact 4.2.4 does conclude that the insufficient parking supply would be a significant impact. This conclusion was reached on the basis of the most conservative estimate of parking demand generated by the proposed project and likely overstates the significance of the impact. Mitigation Measure 4.2.4b requires the project applicant to fund a comprehensive parking study to be completed after the project is operating to determine the actual parking demand associated with the gaming club. If parking demand exceeds parking supply, the project applicant is obligated to mitigate this impact. The conclusion that implementation of the measures outlined as part of Mitigation Measure 4.2.4b would mitigate this impact to a less-than-significant level is based on the fact that all possible mitigations are practically feasible. Thus, the City can make the finding that no significant impacts would occur as long as appropriate mitigation measures are implemented. This rationale has been used and upheld by the courts. The gaming club operator could easily reconfigure the parking lot to provide more spaces, and if necessary, off-site parking could be obtained. If gaming club patronage grows and parking demand increases, the gaming club operator would be required to accommodate the parking demand.

It is also important to note that actual parking demand would most likely be lower than the projected parking demand presented in the Draft EIR. The parking analysis in the Draft EIR determines impacts based on a worst-case scenario. It assumes that every patron and every employee would drive alone to the gaming club, and no one would use public transit or charter buses. The analysis also assumes that the gaming club would open at full operation (100 tables). In reality, however, the gaming club would open with fewer tables until patronage increase. Use of public transit would be encouraged and shuttle buses to BART are proposed. Furthermore, the gaming club would be required to participate in the City's employee trip reduction program. Therefore, based on the results of this analysis and the implementation of mitigation measures, parking impacts would be less-than-significant.



12. Impact 4.2.4 on pages 4-22 through 4-25 of the Draft EIR indicates that the parking demand associated with the operation of a gaming club may not be accommodated by the proposed number of parking spaces at the project site. Implementation of Mitigation Measures 4.2.4a and 4.2.4b (see page 4-25 of the Draft EIR) would reduce this impact to a less-than-significant level. It is not anticipated that any "spillover parking" at nearby businesses would occur. Mitigation Measure 4.2.4b requires the project applicant to either increase the number of tandem parking spaces at the project site, provide off-site parking for employees, or expand the proposed shuttle service to BART to ensure that the parking demand is adequately met. It is possible that some of the off-site parking for employees could occur in existing underutilized lots nearby; however, the project applicant would be required to enter into an agreement with the property owner for such parking spaces to be used.

With respect to the banquet room, the demand for parking is included in the overall parking demand analysis (see Tables 4.2.7 and 4.2.8 on pages 4-23 and 4-24, respectively, of the Draft EIR). Therefore, the parking impacts associated with the banquet room have been included in the Draft EIR analysis and no further analysis is warranted.

13. The Off-Site Alternative referenced by the commenter is not identified as either the preferred or environmentally superior alternative. Land use impacts associated with this alternative are identified on page 5-5 of the Draft EIR. Perceived incompatibility with adjacent land uses could exist. The commenters opinions about the perceived land use and other impacts at the alternative site are acknowledged and will be considered by the lead agency. A final conclusion would require further analysis.

The project site is entirely within the City of San Pablo and, therefore, does not fall under the City of Richmond's Sphere of Influence. Therefore, a gaming club at this location would not require the approval of the Richmond City Council.

For a discussion of traffic and parking impacts associated with the alternative site, please refer to pages 5-6 and 5-7 of the Draft EIR.

14. In accordance with the California Environmental Quality Act (CEQA) *Guidelines*, no public hearing is required on the Final EIR. The commenter's opinion that the public should be afforded the opportunity to comment on the responses presented in the Final EIR is acknowledged and will be considered by the lead agency. No potential significant impacts



have been identified that are not adequately analyzed in the Draft EIR; therefore, the criteria triggering recirculation are not present.



# EAST RICHMOND NEIGHBORHOOD COUNCIL

Joy Jennings, President • P.O. Box 5253 Richmond, California 94805 • 510 - 236 - 1582

Craig Monroe  
City of San Pablo  
Community Development Department  
One Alvarado Square  
San Pablo CA 94806

Dear Mr. Monroe;

Oct 28th, 1994

The East Richmond Neighborhood Council was not initially opposed to the placing of a Gaming Casino at the Lucky Lanes sight. We are however becoming more and more alarmed as the project progresses. The North and East Neighborhood Council made many of their concerns clear before the DEIR was issued. In answer, the Executive Board of the East Richmond Neighborhood Council has reviewed the DEIR for the proposed Palace Casino.

We have many concerns in regards to the proposed Casino. Chief among these is the lack of interest shown by the City of San Pablo for residents of the North and East Neighborhood Council area who will be living in the closest proximity to the Casino, some less than a block away. The City of San Pablo has made a point of locating the Casino where there own residents will not be greatly impacted. The result of placing the Casino on the border with the City of Richmond is that Richmond residents will be on the front line. Any problems that occur as a result of the Casino will impact these residents first, and the longest.

In addition to submitting our own concerns, comments and questions, we would also recommend that the City of San Pablo pay serious attention to the North and East Neighborhood Council. A City border is only a line on a map. The people on both sides need to be able to work and live together.

1



## Land Use, Plans and Policies

1.) The report states that bowling alleys and gaming clubs are both recreational. There is no significant impact, so no proposed mitigation. (4-6) Bowling alleys provide recreation for all ages, gaming clubs only for those over 21. This is a significant impact for minors and families.

2

**Mitigation:** Include some form of indoor entertainment for minors, such as a video game room.

## Transportation, Circulation, and Parking

1.) Three Intersections north of the site were considered, only one to the south. The intersection of Solano and San Pablo should have been considered, as that is the second major intersection to the south, and is also the closest entrance to I-80 westbound after San Pablo Dam Road. San Pablo and Barrett should also have been considered, as an alternate route onto I-80 westbound.

3

2.) Reference is made to the Richmond BART Station, but shuttle buses would have to be added traveling up 23rd street, which would increase traffic there. No mention is made of the El Cerrito Del Norte BART Station. Buses already run along San Pablo Avenue. Mitigation 4.2.3 includes improvements to the existing bus stop.

4

**Mitigation:** The Project Applicant should also agree to include transportation alternatives (El Cerrito Del Norte BART to AC Transit on San Pablo Avenue) in their advertising, so that patrons and possible patrons are aware of these alternatives.

3.) Table 4.2.4 claims that traffic at the San Pablo Avenue and McBryde Avenue intersection would decrease during p.m. peak with the project. Why? Because cars traveling south on San Pablo Avenue would find the intersection with the Dam Road so impassable that they would search for an alternate route? Perhaps through residential areas?

5

4.) Since the Banquet Room would be used infrequently, it is assumed that it would have an insignificant effect on peak hour traffic conditions. The Banquet Room might well be used infrequently, but when it is used, it is likely to be open during peak hours rather than noon or midnight on a weekday. Estimates for the Banquet Room should be included, for those occasions when it is in use.

6

5.) Table 4.2.6 claims to be level of service for the year 2000 conditions with and without identified mitigation measures, including Mitigation Measure 4.2.2. These latter mitigations are uncertain. EIR should include a table with likely mitigation measures, to show accurate expectations. Comment regarding the Casino's contribution to the existing poor level of service is there, but the table is more prominent and therefore misleading.

7



## Transportation cont.

6.) Recent existing traffic volume data was available for all locations except the San Pablo Dam Road and I-80 eastbound on/off ramp intersection. A traffic volume estimate was made from a 1990 count. Estimate was based on growth on Westbound ramp. Do a traffic count, and include source of traffic. (i.e. Dam Road westbound, Dam Road eastbound, I-80 eastbound offramp, Amador northbound.)

8

7.) Study says City of San Pablo calls Service Level D Acceptable. Service Level D includes "substantial delays", it is not acceptable as a permanent feature. Due to the general increase of traffic over time, long-term solutions must be sought, or conditions will continue to deteriorate.

9

8.) Tables 4.2.4 and 4.2.5 state that traffic for the I-80 Eastbound / Dam Road intersection without the project would be the same in the year 2000. With the project however, traffic would decrease between now and the year 2000. How is that possible? Where is the traffic to and from the Casino supposed to go between now and the year 2000?

10

9.) Mitigation Measure 4.2.2 includes converting Amador Street for right-in/right-out operation only. As the San Pablo Dam Road Bridge is the only way across the freeway between McBryde Avenue and El Portal, this will seal off an entire region from access to I-80 eastbound and the commercial section of San Pablo. This is not an acceptable Mitigation Measure. This intersection, of San Pablo Dam Road, I-80 eastbound, and Amador Street needs to be studied and restructured to provide reasonable access for all.

11

**Mitigation:** The Project Applicant should fund a study for the intersection of I-80 eastbound, San Pablo Dam Road, and Amador Street which could present proposals to WCCTAC, Caltrans, and the MTC for funding and implementation.

## Air Quality

1.) Persistent subsidence inversions do occur, and restrict vertical dispersion of pollutants released near ground level. (4-27) Under inversion conditions, CO concentrations may be distributed more uniformly over an area some distance from vehicular sources. (4-32)

2.) The state 24-hour standard for PM(10) has been consistently violated for the past five years and PM(10) concentrations are expected to remain relatively constant through the rest of the 1990's. (4-32)

12

3.) Mitigation Measure 4.3.1. on page 4-34 includes only watering and a designated person responsible to oversee watering of dust.



## Air Quality cont.

**Mitigation:** Street sweeping on adjacent streets at the end of each construction day to capture and contain fugitive dust.

**Mitigation:** Suspend grading activity if wind speeds exceed 25 miles per hour.

**Mitigation:** Cover stockpiles of ground materials when practical, including overnight, and cover all trucks delivering or removing such materials.

**Mitigation:** Cover the anchor fence between the site and Wildcat Creek with tarp and wash down the tarp regularly to prevent fugitive dust from silting up Wildcat Creek.

12

4.) Mitigation Measure 4.3.3 on page 4-36. Dispersion modeling was used to evaluate worst-case CO concentrations at the intersection most affected by project traffic. Table 4.3.4 indicates San Pablo Avenue and San Pablo Dam Road intersection as the location of projections. As the Casino will be inserted between a hospital and local residences, it will be bringing the emissions into this area. During inversion conditions, air quality will be seriously affected.

Roadway improvements are the only mitigation proposed, and half of those are unlikely to occur. For the project applicant to make no serious effort at mitigation is unacceptable.

13

**Mitigation:** A greenwall should be erected between the Casino and the north side of Wildcat Creek. This greenwall should include trees and shrubs native to the region, and be thick enough to provide a barrier against fugitive light as well as blocking some of the additional emissions from entering residential areas to the south.

**Mitigation:** Landscaping should also be installed at random locations around the Casino parking lot in order to consume some of the additional emissions, especially near the Hospital and on San Pablo Avenue.

## Noise

1.) This report considered construction activity and daytime noise regulations. Figure 4.4.1 shows that Quiet Urban Nighttime noise levels are significantly lower than Quiet Urban Daytime. Yet there is no record of what the nighttime noise levels will be at the Casino. It is to be presumed that activity will increase nighttime noise levels.

14

**Mitigation:** Casino security should be responsible for suppressing all unnecessary noise outside of the Casino buildings between 10 p.m. and 7 a.m. during operation.

14

## Biological Resources

- 1.) No Mitigations are proposed, although traffic will increase. Wildlife may be "adapted" to an urban environment, but traffic so close to the Creek is likely to increase the number of animals killed by automobiles.

15

**Mitigation:** Project Applicant should be required to maintain Anchor Fence in a proper condition to prevent wildlife entering the parking areas from Wildcat Creek.

- 2.) No mention is made in the body of the report regarding stormwater runoff.

**Mitigation:** Project applicant should ensure that stormwater is directed to the stormwater system, rather than Wildcat Creek. Stormwater from the parking lot will include car fluids, and percentage volume of such fluids will increase due to increased traffic on site. Such polluted stormwater must go to stormwater treatment like similar water from the streets.

16

## Public Services

- 1.) Mitigation Measure 4.2.2. on page 4-20. Amador Street is a frontage road frequently used by Emergency Vehicles when I-80 is blocked, such as during p.m. peak hours. Alteration of Amador to Right-out operation only could hamper emergency response into the City of San Pablo or onto I-80 north of the San Pablo Dam Road.

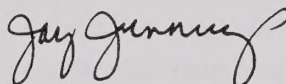
17

- 2.) Mitigation Measure 4.6.2 on page 4-54. Operation could result in the perception that the amount of criminal activity would increase. Report states that this would not be a significant impact. Community opinion is that impact is significant.

18

**Mitigation:** Provide regular public reviews of crime statistics for the area surrounding the Casino, including the residential areas of Richmond adjacent to the site.

Thanks,



Joy Jennings - President



EAST RICHMOND NEIGHBORHOOD COUNCIL

1. The commenters concerns about the perceived impacts of the proposed project on residents in the City of Richmond are acknowledged and will be considered by the lead agency.
2. The project would result in the replacement of one recreational use by another recreational use. This is not considered to be a significant environmental impact; therefore, mitigation measures are not warranted under CEQA. The commenter's suggested mitigation measures will be considered by the lead agency.

For purposes of land use analysis, no distinction is made between the age groups served by a specific recreational use. While the proposed gaming club would offer recreation for adults, business license fees paid by the gaming club operator could be used by the City to provide recreation opportunities for minors at other locations. However, such a decision would be at the City's discretion.

3. The traffic impact analysis presented in the Draft EIR (see pages 4-15 through 4-21) included those major intersections that were closest to the site and would, therefore, be affected by the operation of the project. As the analysis of the intersections north of the site shows, the farther away from the site an intersection is located, the fewer trips generated by the project that would be expected to use the intersection. This is typical of the traffic impacts of any development since traffic disperses greatly as the distance from the site increases. The project's impacts on the San Pablo Avenue and McBryde Avenue intersection, which is included in the traffic impact analysis, would not be significant. Therefore, it is expected that the same would be true for those intersections located farther from the project site (such as the Solano Avenue and San Pablo Avenue intersection). Therefore, no further analysis is warranted.
4. The commenter's suggested mitigation measure may be desirable as part of the gaming club's marketing strategy. However, it is unlikely that this measure would significantly mitigate any project impacts identified in the Draft EIR. This mitigation measure will be considered by the lead agency.

Please also see the staff-initiated text change for page 4-14 of the Draft EIR, which is presented in Chapter II of this document.

5. The PM peak volume to capacity (V/C) ratio for the San Pablo Avenue and McBryde Avenue intersection for existing conditions with the project is 0.57, with a corresponding level of service "A". To correct a typographical error, the third line of data in Table 4.2.2 on page 4-18 has been revised to read (revised text is underlined):

|                                          |      |   |      |   |      |   |             |   |
|------------------------------------------|------|---|------|---|------|---|-------------|---|
| "San Pablo Avenue and<br>McBryde Avenue" | 0.47 | A | 0.57 | A | 0.47 | A | <u>0.57</u> | A |
|------------------------------------------|------|---|------|---|------|---|-------------|---|

This correction of Table 4.2.2 does not result in any changes in the conclusions presented in the Draft EIR and the traffic impact analysis presented in the Draft EIR accurately identifies the impacts associated with the operation of a gaming club at the proposed project site.

6. On the basis of information provided by the project applicant and the City, it was determined that the banquet room would be used mainly during off-peak hours (i.e., luncheons and post-commute evening events). Therefore, inclusion of traffic generated by the banquet room in the peak-hour traffic analysis would not be representative of the future peak hour traffic conditions in the site vicinity.. However, the parking demand analysis does include vehicles generated by the banquet room. Therefore, no new impact analysis is required.
7. As stated on page 4-21 of the Draft EIR, the mitigation measures associated with the improvements to the I-80 and San Pablo Dam Road interchange are not expected to be implemented in the near term and the traffic impacts at this interchange are considered to be significant and unavoidable (please also see the response to comment #2 of the City of Richmond [Planning Director] letter). Table 4.2.6 is intended to provide the reader with the information associated with the improvement to the level of service should the mitigation measures be implemented. The text of the Draft EIR explains that this impact is considered to be significant (see also page 1-3 and page 6-1 of the Draft EIR). The Draft EIR adequately and accurately discusses that this impact is significant and unavoidable.
8. The traffic volume data estimated for the I-80 eastbound ramps and San Pablo Dam Road intersection are adequate for the purposes of the analysis presented in the Draft EIR. The traffic volumes presented in the Draft EIR are based on actual 1990 peak hour counts at the intersection with adjustments derived from an actual 1994 count at the adjacent intersection. This is a common technique used where gaps in data exist and does not compromise the validity of the Draft EIR's analysis and findings.



9. The City of San Pablo has adopted a policy of considering Level of Service "D" as acceptable. This is a matter of City policy and is fairly applied to all project undergoing environmental review in the City. Many cities and urban areas have adopted Level of Service "E" as their standard for transportation planning purposes. Level of Service "D" represents a cost effective balance between the cost to the community of providing street and roadway facilities and the need to provide for adequate traffic flow in the peak hours. While Level of Service "D" does include some congestion and delay, the traffic conditions are still considered to be free flowing and excessive backups do not occur.
10. Comparison of the volume to capacity (V/C) ratios for the existing condition and the year 2000 condition reveals some instances of only slight increases or even reductions from the existing condition to the year 2000 condition. This is in part because the year 2000 traffic volumes include future roadway and/or freeway improvements that are reflected in the forecasting model of the *West Contra Costa County Action Plan*. For instance, a proposed overpass is assumed on the Richmond Parkway, which will divert traffic from San Pablo Avenue. Additionally, capacity improvements along the I-80 freeway corridor are also included in the future traffic conditions.
11. For a discussion of the residual impacts associated with the implementation of Mitigation Measure 4.2.2, please see the response to comment #2 of the City of Richmond (Planning Director) letter. For a discussion of the reasons that the mitigation measure proposed by the commenter is not reasonable, please see the response to comment #43 of the transcript from the public hearing (Chapter V of this document).
12. Mitigation Measure 4.3.1 on page 4-34 of the Draft EIR requires contractors to implement a dust abatement program. The elements of the program that must be included are presented on pages 4-34 and 4-35 of the Draft EIR. City officials will require standard practices and controls to avoid dust impacts. The additional mitigation measures suggested by the commenter could be included as a condition of approval by the City. However, these measures are more appropriate for projects that would result in major earthmoving activities. The magnitude of grading associated with the resurfacing of a parking lot would not warrant such measures and were, therefore, not included as measures that would be required to be part of the dust abatement program.



13. The mitigation measures suggested by the commenter would not reduce air emissions resulting from the project. The City could include these measures as part of the design review process associated with approving a use permit for the project.
14. The commenter is correct in noting that Figure 4.4.1 shows that Quiet Urban Nighttime noise levels are lower than Quiet Urban Daytime noise levels. However, the existing noise levels in the City of San Pablo, and particularly the San Pablo Avenue corridor, are in the range of 65 to 75 dBA, Ldn (please see pages 4-40 through 4-42 of the Draft EIR) and are not considered to be within the Quiet Urban Daytime noise levels (which is approximately 50 dBA). The existing noise level range of 65 to 75 dBA takes into account nighttime noise levels. It is expected that activity at the proposed gaming club would be similar to that experienced for the bowling alley and that these noise levels would not exceed the existing noise levels along the San Pablo Avenue corridor.

Please also see the response to comment #13 of the Wildcat Creek Neighborhood Coalition letter.

15. Although the gaming club would contribute to traffic in the area, San Pablo Avenue and San Pablo Dam Road are main thoroughfares that currently carry heavy traffic. The existing traffic most likely prevents animals from venturing onto streets away from Wildcat Creek. Any increase in traffic would have no appreciable effect on animal habitat within the Wildcat Creek corridor. Therefore, impacts to wildlife would be insignificant and the mitigation proposed by the commenter is not necessary.
16. The commenter is incorrect in assuming that stormwater from City streets is treated. In addition, the commenter is incorrect in noting that stormwater runoff is not discussed in the Draft EIR. Page 4-50 of the Draft EIR explains that expansion and use of the surface parking lot would increase the number and amount of pollutants generated at the project site. Mitigation Measure 4.5.2 requires the project applicant to incorporate best management practices as outlined in the City's stormwater plan to mitigate any water quality impacts associated with runoff from the parking lot. The implementation of this mitigation measure would eliminate any impacts to the Wildcat Creek riparian zone. Therefore, the mitigation measure proposed by the commenter would not be necessary.
17. For a discussion of impacts associated with road improvements proposed under Mitigation Measure 4.2.2, please see the response to comment #2 of the City of Richmond (Planning



Director) letter. The proposed improvements are too speculative at this point to conduct an in-depth analysis, and interchange configuration designs are not completed. Final Caltrans design of the overall interchange will consider the impact on emergency vehicle access.

18. For a discussion of the perceived increase in criminal activity associated with the gaming club, please see the response to comment #3 of the City of Richmond (Planning Director) letter. Since the gaming club is not expected to increase criminal activity in the City of San Pablo or any surrounding area in the City of Richmond, this would not result in a significant impact. Therefore, the mitigation measure proposed by the commenter would not be necessary.

The commenter's assertion regarding the community opinion on impacts from criminal activity are acknowledged and will be considered by the lead agency.

October 28, 1994

Mr. Craig Monroe  
Planning Division Manager  
City of San Pablo Community Development Department  
One Alvarado Square  
San Pablo, CA 94806

RE: The Palace Casino Draft Environmental Impact Report dated September 16, 1994

Dear Mr. Monroe:

We received a copy of the above-referenced document on September 17, 1994. Our review indicates that the significant impacts, issues and comments raised in our letter dated September 8, 1994 are omitted from the DEIR. It is our understanding that errors and omissions in the failure to identify and document significant impacts and their proposed mitigation is a serious violation of the California Environmental Quality Act (CEQA) guidelines. It is further our understanding that this renders the DEIR inadequate for compliance with same.

Therefore, we request that the City of San Pablo staff and environmental consultant take the appropriate time to evaluate and document the response to every significant impact, comment and issue raised in our previous letter (see attached) and recirculate the entire DEIR with a detailed response including the proper documentation, studies, charts, data and conclusions to demonstrate why a specific item is not a significant impact. In addition, include the same documentation to demonstrate why a significant impact cannot be mitigated to less than significant.

Furthermore, the DEIR failed to document compliance with State CEQA guidelines. We present our comments in the same order in which they were presented in the DEIR.

Impact 4.1.1: The proposed development is a 24-hour, 365-day-per-year, adults-only gambling hall. We do not feel that this development is compatible with adjacent residential uses. We feel this is a significant impact and requires further study.

Impact 4.1.2: The removal of existing low-income housing at the Wong property is not consistent with the City's policy to provide affordable housing to all economic brackets. The loss of 38 low-income housing units would deplete the available low-income housing stock. Although the DEIR indicates that the City has approved two low-income housing projects to offset the loss at the Wong property, we do not feel that the referenced units would be completed prior to the eviction of the tenants from said property. This is a significant impact that requires further study.



Impact 4.1.3: It is our understanding that the proposed casino may not be compatible with neighborhood residential and commercial uses and would require a conditional use permit renewable every six months. Casinos tend to attract several undesirable elements to the community including crime, traffic, prostitution, money laundering and scheming. This type of criminal impact has detrimental effects on the quality of life of the community. This is a significant impact and requires further study.

4

Impact 4.2.1: The proposed Palace Casino is being marketed as the largest casino in Northern California, dwarfing any casinos currently in operation in the area. In addition, the casino promoters are marketing it as a regional attraction. We feel that the traffic analysis, data, conclusions and proposed mitigation or lack thereof fail to grasp the magnitude of this significant impact. The proposed regional attraction does not provide direct freeway access to all of the patrons. As such, the traffic impact would be felt in most of the surrounding communities, especially in Richmond. We feel that the DEIR did not include several streets, routes and intersections that would be significantly impacted. We request that the DEIR prepare a detailed traffic study for each potential route that could be impacted by the proposed project. We feel the following streets and intersections would be significantly impacted.

- A. The entire San Pablo Avenue corridor stretching from Oakland to Crockett.
- B. The proposed mitigation on northbound Amador Street traffic is not acceptable since it would create a significant impact on neighboring communities as a result of increased traffic, congestion or trip generation and would further erode the level of service. The traffic study is to include a detailed analysis on Amador Street and a mitigation that would not facilitate access to the Casino at the expense of residents. This is a significant impact and requires further study.
- C. The City of San Pablo and project sponsor shall provide funding for the widening of the I-80 San Pablo Dam Road overpass as a mitigation to the identified significant impact. If this mitigation cannot be funded, the project should not be approved. This is a significant impact that requires further study.
- D. The following streets would be significantly impacted. Provide detailed traffic analysis for each street using current data including all intersections:
  - D.1. McDonald Avenue
  - D.2. Barrett Avenue
  - D.3. Key Boulevard
  - D.4. Clinton Avenue
  - D.5. McBryde Avenue
  - D.6. 23rd Street
  - D.7. Harbour Way
  - D.8. Marina Way
  - D.9. Castro Street
  - D.10. Pennsylvania/13th Street
  - D.11. Rheem Avenue
  - D.12. Vale Road
  - D.13. El Portal/Route 20

5



Mitigation 4.2.4B: The proposed mitigation includes a requirement for a comprehensive parking study to determine the parking demand associated with the casino. Then it concludes that the lack of sufficient parking is a less than significant impact. We feel that if the project sponsor does not provide adequate on-site parking, casino patrons would use nearby streets and parking lots to park. This is a significant impact and requires further study.

6

Impact 4.3.1: The proposed mitigation to control particle emissions, dust, etc. is not acceptable. The project site is surrounded by convalescent homes and a hospital with many patients with respiratory ailments. The proposed impact may be in violation of the Americans with Disabilities Act (ADAG) regulations. This is a significant impact and requires further study.

7

Impacts 4.3.2 and 4.3.3: The increase in air pollutants and emissions resulting from increased vehicular traffic to and from the casino is a significant impact. The proposed project may be in violation of ADAG. This requires further study.

8

Impacts 4.5.1 and 4.5.2: The construction activities, grading operations, paving, surfacing, trenching and discharge of pollutants into Wildcat Creek would cause irreparable damage and diminish habitat for fish, wildlife and plants. This is a significant impact and requires further study.

9

Impacts 4.6.1 and 4.6.2: The DEIR seems to ignore findings that casinos by their own nature tend to attract crime such as prostitution, auto theft, follow-home robberies, scheming and money laundering among others. Provide detailed analysis, graphs, data and conclusions as to why this project would not attract the crimes that seem to follow casinos. We request that the study be conducted by an independent third party law enforcement agency which has no conflict of interest with the proposed casino. In specific, state why the following studies and findings are not applicable to this project:

10

- A. The California State Attorney General, "Gaming in California" dated November 1993;
- B. The Public Report to the Oxnard City Council "Card Room Casinos: The Promise and Reality" dated June 22, 1993;
- C. "Report in Opposition to Card Room Casinos" by San Diego County District Attorney dated August 1992.

We feel that crime is a significant impact and requires further study.

Impacts 5.1, 5.2, 5.3 and 5.4: We do not feel that the DEIR has studied alternatives in detail or provided the required analysis, data and reports to justify their conclusions. For specific items refer to our letter dated September 8, 1994. This is a significant impact and requires further study.

11

Impact 6.1. With regard to unavoidable significant impacts, we do not feel that the conclusions presented in the DEIR comply with State CEQA guidelines. If significant impacts cannot be mitigated to less than significant, the project should

12



not be approved because it would be in violation of State CEQA guidelines. This is a significant impact and requires further study.

12

We take exception to the time frame upon which the City of San Pablo, the environmental consultant and the project sponsor have embarked. It is clear that the intent is not to give the community, organizations and the public at large adequate time to become informed, to evaluate and to voice their concerns in a timely fashion. In addition, given the short number of days between the deadline for comments and the publishing of the DEIR, it is apparent that the comments were neither adequately reviewed nor addressed, which is a serious violation of CEQA guidelines. With regard to our letter dated September 8, 1994 and our comments contained herein, the DEIR is plagued by errors and omissions throughout the document.

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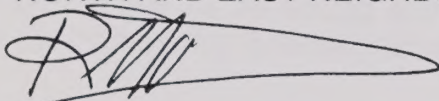
We respectfully request that the DEIR be revised and recirculated to include all of the comments with detailed responses and that the public be given adequate time to evaluate the response and the proposed mitigations. Furthermore, we request that all public agencies having permitting power over the gambling hall (including the City of San Pablo, the California Attorney General's Office, the Bureau of Alcohol and Beverage Control, etc.) take all necessary action to relocate the gambling hall to a location in the City of San Pablo which is not within one-half mile of the borders of any jurisdiction (city or county) contiguous to the City of San Pablo and is not located in an area in which there will be negative impacts (e.g., crime, traffic, noise) on neighborhoods in the City of Richmond.

14

We want to thank you for the opportunity to comment on the DEIR. Please let us know whether you have any comments or require further clarification.

Respectfully yours,

NORTH AND EAST NEIGHBORHOOD COUNCIL



Ricardo A. Magana  
President



Katherine Herrick  
Co-Secretary

Enclosures

cc: Irma Anderson, Richmond City Council  
Tom Bates, Assembly Member  
Jim Beaver, Brookside Hospital  
D. Chris Campbell, Richmond Crime Prevention Program  
Peter Cleveland, North & East Richmond Neighborhood Council  
Rosemary Corbin, Mayor of Richmond  
John M. Gioia, East Bay Municipal Utility District  
Tuseda A. Graggs, West County Times  
Richard Griffin, Richmond City Council  
Malcolm Hunter, Richmond City Attorney  
Joy Jennings, East Richmond Neighborhood Council  
Floyd Johnson, Richmond City Manager  
Father Bruce Lamb, Saint Paul Catholic Church  
William Lansdowne, Richmond Chief of Police  
Officer Larry Lewis, Richmond Police Department  
Dan Lungren, California Attorney General  
John Marquez, Richmond City Council  
Jim McMillan, Richmond City Council  
Judy Morgan, Richmond Chamber of Commerce  
LaVonne Niccolls, Richmond City Council  
Donna Powers, Richmond City Council  
Jim Rogers, Richmond City Council  
George Schmidt, Richmond Neighborhood Coordinating Council  
Lt. Doug Seiberling, Richmond Police Department  
Bob Sullivan, Chairman, El Sobrante Valley Planning & Zoning Advisory Cmte.  
Lonnie Washington, Richmond City Council  
Don Watts, North & East Richmond Neighborhood Council  
Shirley Whysinger, Mayor of San Pablo  
Principal, Salesian High School



September 8, 1994

Hand  
12 Sept 94  
[Signature]

Craig Monroe, Planning Division Manager  
City of San Pablo Community Development Department  
One Alvarado Square  
San Pablo, CA 94806

Re: The Palace Gaming Casino  
Initial Study and Checklist

Dear Mr. Monroe:

The North and East Richmond Neighborhood Council in Richmond, CA has received a copy of the Initial Study and Checklist for the proposed Palace Gaming Casino dated August 10, 1994. The proposed development is to occur at the existing Lucky Lanes Bowling Alley at 1325 San Pablo Avenue in San Pablo, CA. The proposed site borders directly with the boundaries of the North and East Neighborhood Council. We received a copy of the above-referenced document during the public hearing held on August 24, 1994.

During that hearing, representatives from the North and East Neighborhood Council as well as other members of the community expressed concerns with the proposed development.

We feel that the present project as planned would have a significant impact on the loss of low-income housing, traffic, noise, pollution, deterioration of the quality of life, increase in crime, loss of cultural and historical resources, wildlife and endangered species habitat, potential effects on the restored Wildcat Creek, loss of recreational opportunities for the young and potential degradation of the cultural and ethnic values of our community and neighborhoods.

15

The Initial Study does not evaluate the impact of the proposed 100-table card room on our community. Since there have been no legalized card rooms in San Pablo since the 1950's, this development which is being marketed as the largest card room in Northern California would represent a major impact on our community. The Initial Study does not seem to have identified most of these issues as having a potentially significant impact. We feel that the above-referenced document should include detailed analysis of each of these items.

Furthermore, the Initial Study does not describe a range of reasonable alternatives to the proposed project or to its location that could feasibly attain the project's basic objectives or the comparative merits of each alternative. We feel that the following alternatives should be evaluated as part of the environmental review process. They are as follows:



- Study alternative sites completely within the San Pablo city limits without sharing borders with the City of Richmond or adjacent municipalities.
- Consider alternatives to 24 hour per day, 7 days per week, 365 days per year operation.
- Consider alternatives to the proposed 912 parking spaces. This represents a significant increase over the existing 315 spaces.
- Consider alternatives to on-site parking including the use of public transit, shuttle services to BART and train stations, and shared parking with adjacent facilities and businesses such as Brookside Hospital, Town Center, K-Mart and Princeton Plaza shopping centers.
- Consider alternatives that would maintain the existing low-cost housing at the trailer park.
- Consider alternatives to on-grade parking such as parking structures.
- Consider alternatives that would provide recreational opportunities to all age groups.
- Consider alternatives to the proposed surface parking layout, ingress, egress, service drives, lighting, landscaping, berms, signage and other visual screening devices.
- Consider alternatives that would include areas for community gatherings such as meeting rooms.
- Consider alternatives to the proposed 100-table card room. The alternatives should include an evaluation of the potential risks and rewards of each.

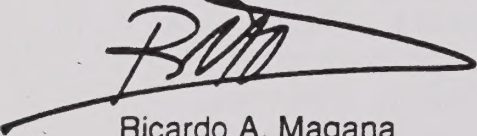
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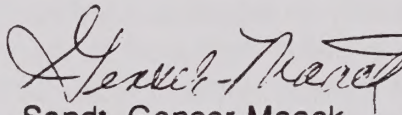
In addition, we have summarized additional comments to the Initial Study and Checklist in the same order they were presented. See attached Exhibit A.

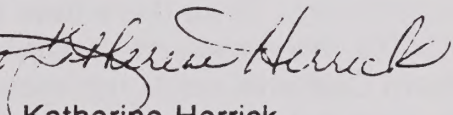
Please let us know whether you have any comments or questions or whether you need further clarification. We would like to be notified when you have additional hearings and are prepared to participate in the preparation of the draft Environmental Impact Report.

Respectfully yours,

NORTH AND EAST RICHMOND NEIGHBORHOOD COUNCIL

  
Ricardo A. Magana  
President

  
Sandi Genser-Maack  
Treasurer

  
Katherine Herrick  
Co-Secretary



cc: Shirley Whysinger, Mayor of San Pablo  
William Landsdowne, Richmond Chief of Police  
Floyd Johnson, Richmond City Manager  
George Schmidt, Richmond Neighborhood Coordinating Council  
Tom Bates, Assembly Member  
John M. Gioia, East Bay Municipal Utility District  
Bob Sullivan, Chairman, El Sobrante Valley Planning and Zoning Advisory  
Committee  
Editor, West County Times  
Jim Beaver, Brookside Hospital  
Principal, Salesian High School  
Saint Paul Catholic Church  
Irma Anderson, Richmond City Council  
D. Chris Campbell, Richmond Crime Prevention Program  
Peter Cleveland, North & East Richmond Neighborhood Council  
Rosemary Corbin Richmond Mayor  
Richard Griffin, Richmond Council  
Joy Jennings, East Richmond Neighborhood Council  
Officer Larry Lewis, Richmond Police Department  
John Marquez, Richmond City Council  
Judy Morgan, Richmond Chamber of Commerce  
Lavonne Niccolls, Richmond City Council  
Donna Powers, Richmond City Council  
Jim Rogers, Richmond City Council  
Lt. Doug Seiberling, Richmond Police Department  
Bob Sutcliffe, East Richmond Neighborhood Council  
Lonnie Washington, Richmond City Council  
Don Watts, North & East Richmond Neighborhood Council

## Exhibit A

Response to the Initial Study and Checklist for the proposed Palace Gaming Casino.

Note: Section and paragraph numbers correspond to the Initial Study and Checklist.

### I. Earth

c. We believe there will be adverse impacts and that this issue should be more fully addressed. Any cutting and fill activity to level the parking lot will result in excavation. While some lighting exists for part of the proposed parking lots, additional lighting will result in trenching for electrical conduit and light standards. This requires additional study.

e. Excavation for any drainage systems changes might require subsurface excavations. This might reveal previously unknown archaeological remains. Will a regional Water Control Board permit be required to discharge increased parking lot runoff into Wildcat Creek? This requires additional study.

f. The proposed additional parking area will increase surface runoff and potential discharge into Wildcat Creek. This impact must be studied.

g. Evaluate the potential risk due to a major structural collapse on services such as fire, ambulance, hospital and police services.

17

### II. Air

a.1. Cold starts of autos in the parking lot will have adverse effects on the health of nearby residents, children and families as well as the sick and elderly in nearby convalescent homes and hospitals. This requires additional study.

a.2. This area has one of the highest concentrations of pollutants in the atmosphere. The increased traffic will negatively impact the residents of the area. This impact must be studied.

a.3. The proposed surface parking, grading, excavation and landscaping would create dust and negatively impact the sick and elderly in nearby convalescent homes or hospitals. This requires further study.

18

### III. Water

b. By changing the use of the paved area from a bowling alley parking lot and a trailer park to a 912-unit parking lot for a 24-hour facility, the composition, quality and quantity of the runoff from the parking lot to the creek will be greatly changed. This requires additional study.

e. Again, the change in the nature of the use of the parking lot will alter runoff into a freshwater creek. This issue must be further addressed. Will increased gasoline and oil runoff require a regional Water Control Board permit?

f. The proposed additional surface parking will increase and change the rate of flow of ground water. This requires additional study.

19



V. Animal Life

d. Increased CO2 levels in the air and gasoline and oil running off into the waters of Wildcat Creek will have an adverse effect on fish, animals, and plants. This issue must be more fully addressed.

20

VI. Noise

a.&b. The proposed project is a 24-hour facility. The bowling alley is open during normal working hours and the trailer park is a residential facility. As hard-working, tax-paying citizens of the neighboring residential community, we find the 76 decibel noise level unacceptable for 24 hours a day. We are concerned that the elevated noise of a 24-hour facility and a 912-unit parking lot will adversely impact the residential quality of our neighborhood. In addition, we are concerned about the cumulative effect of traffic noise in our community. This requires further study.

21

VII. Light and Glare

a. The proposed project will increase the parking lot from a 315-unit to 912-unit lot. The use of the property will change from a bowling alley and residential trailer park to a 24-hour gaming facility. Additional lighting will be required for safety and security. Downward--oriented high efficiency lighting will still produce more reflected glare. Currently, the deciduous plantings along the west and south boundary are an inadequate screen in the winter months.

22

XII. Housing

a. This issue warrants further discussion. If this relocation will disproportionately affect any segment of the population, including the disabled and elderly, the issue must be addressed.

23

XIII. Transportation/Circulation

d. The proposed project will result in increased traffic congestion. The San Pablo Dam Road/San Pablo Avenue intersection currently has one of the lowest levels of service in the county. The I-80 interchange at San Pablo Dam road is already the most congested in West Contra Costa County. The proposed 24-hour facility will only add to the existing problems. This requires additional study.

f. The introduction of the proposed facility will add to the current traffic hazards to vehicles, bicyclists and pedestrians. The effects on working people who use the commute-hour San Francisco buses must be studied. The increase in vehicular traffic and intoxicated drivers will adversely affect children and families in the neighboring communities. Taxpayers, including working parents living in the adjacent neighborhood, who use the San Pablo commute corridor to get to their jobs will have even longer commute times. Furthermore, off-commute-hour traffic will become heavier. These issues must be further addressed.

24

XIV. Public Service

What will be the maximum capacity of the proposed facility, including patrons, employees and service personnel?

25



XV. Energy

a. Changing the use of the site from a bowling alley and residential trailer park to a 24-hour gaming facility of 100 card tables will require greater use of energy and fuel. Any changes in the number and location of services will result in subsurface alterations. These issues must be addressed.

26

XVI. Utilities and Service Systems

Services provided for a bowling alley and residential trailer park will be inadequate for a 24-hour gaming facility and a 912-unit parking lot. Any changes will result in subsurface excavations. This issue must be addressed.

27

XX. Cultural Resources

a. Should any subsurface excavation for leveling, utilities, drainage, light standards or any other construction activity occur, the destruction of subsurface archaeological remains could result. The bowling alley was constructed in the 1950's before enactment of the current CEQA and NEPA environmental laws. Therefore, no archaeological survey was conducted prior to its construction, and it is not known whether prehistoric or historic remains lie under the parking lot. Because the parcel is adjacent to Wildcat Creek, a freshwater source, buried prehistoric and historic remains could be present under the protecting cap of the parking lot. We request that this issue be addressed.

28

c. What are the cultural and ethnic values of the residents who are going to be displaced from the trailer park? This issue needs to be addressed.

XXI. Mandatory Findings of Significance

a. Wildcat Creek is a fish and wildlife habitat. The proposed change in the use of this site will affect the air, water and habitat of any species that live there. This issue needs to be addressed.

29



## NORTH AND EAST NEIGHBORHOOD COUNCIL

1. Responses to the Initial Study and Notice of Preparation were reviewed and appropriate issues raised in those response letter were incorporated in the analysis contained in the Draft EIR. The letter dated September 8, 1994 that is attached to this comment was included in that review phase of the scope of work. In some instances, issues raised in the September 8, 1994 letter were adequately addressed in the Initial Study and did not require further analysis. In other instances, the comments raised valid environmental issues that required analysis. These issues are included in the Draft EIR. Therefore, the Draft EIR is an adequate document in compliance with CEQA *Guidelines* and no recirculation of the Draft EIR is necessary.

For a discussion of each environmental issue raised in the September 8, 1994 letter, please see the responses to comments #15 through #29 of this letter.

2. The proposed operation is not a unique land use in the vicinity. Several businesses within close proximity to the project site, including Nation's restaurant, Lucky supermarket, and various gas stations, are open 24 hours. Wildcat Creek provides a buffer zone which directs the perceived impacts (i.e., traffic, light, and noise) away from residential uses and towards San Pablo Avenue. Therefore, the proposed 24-hour operation of the gaming club would not be a significant impact, and no further discussion is necessary.
3. For a discussion of the effects associated with the removal of low-income housing, please see the response to comment #1 of the City of Richmond (Planning Director) letter. Since the residents would be relocated according to a state-mandated relocation plan, and a relocation assistance advisory program would be implemented, no significant impact would occur. Therefore, further discussion is not required.
4. The commenter is incorrect in stating that the gaming club would require a conditional use permit that needs to be renewed every six months.

For a discussion of the perceived increase in criminal activity associated with the gaming club, please see the response to comment #3 of the City of Richmond (Planning Director) letter. Since the gaming club is not expected to increase criminal activity in the City of San Pablo, this would not result in a significant impact. Therefore, no further discussion is required.



5. The scope of the Draft EIR traffic impact analysis was developed through consultation with the project applicant (regarding the nature of the project), City staff (regarding the existing and anticipated traffic congestion locations and areas of concern associated with the project), and the traffic consultant (regarding the potential for significant traffic impacts associated with the nature and level of traffic that would be generated). The results of this consultation included a list of intersections to be analyzed that included the major intersection adjacent to the project site and major intersections extending in each direction from the project site for various appropriate distances. It is not necessary nor desirable to analyze every intersection within a study area in order to determine the potential traffic impacts. The nature of traffic impacts and feasible traffic mitigation measures is such that analysis of the major, or key, intersections provides the information necessary to identify the nature and extent of a project's traffic impacts. The intersections included are the nearby signalized intersections that control the traffic conditions on the streets providing primary access to the project site. Not all signalized intersections are included in the analysis and no unsignalized intersections were analyzed. Nevertheless, the analysis presented in the Draft EIR provides an adequate determination of the nature and extent of the traffic impacts to be expected from the proposed project.

As the analysis of the intersections north and south of the site shows, the farther away from the site an intersection is located, the fewer trips generated by the project that would be expected to use the intersection. This is typical of the traffic impacts of any development since traffic disperses greatly as the distance from the site increases. Therefore, given the minimal traffic volumes that would occur at intersections closer to the project site, the roadways and intersections identified by the commenter would not be affected by an increase in traffic volumes as a result of the gaming club operation. Therefore, no further analysis of this issue is warranted.

For a discussion of the residual impacts associated with the implementation of mitigation measures on Amador Street, please see the response to comment #2 of the City of Richmond (Planning Director) letter.

For a discussion of why it is not reasonable for the project applicant to fund the improvements to the I-80 and San Pablo Dam Road interchange, please see the response to comment #43 of the transcript of the public hearing, which is presented in Chapter V of this document.



6. For a discussion of projected parking demand and supply, please see the response to comment #11 of the Citizens for Common Sense letter. Since proposed mitigation measures would satisfy future parking demand, no significant impact would occur, and therefore no further discussion is required.
7. The proposed project would be required to provide equal access to persons with disabilities in compliance with the Americans with Disabilities Act (ADA). This is the only portion of the ADA that is applicable to the project since the intent of the ADA is not focused on local land use decisions. The air quality impacts associated with the construction of the surface parking lot and vehicles generated by the gaming club are adequately addressed in the Draft EIR (see pages 4-34 and 4-35); therefore, no further analysis is warranted.
8. For a discussion of air quality impacts and the applicability of the Americans with Disabilities Act (ADA), please see the response to comment #7 of this letter.
9. For a discussion of topographic alterations associated with project construction, please see the response to comment #2 of the Wildcat Creek Neighborhood Coalition letter. Since impacts to the Wildcat Creek riparian zone would be eliminated through identified mitigation measures, no further analysis of this issue is warranted.
10. For a discussion of the perceived increase in criminal activity associated with the gaming club, please see the response to comment #3 of the City of Richmond (Planning Director) letter. Since the gaming club is not expected to increase criminal activity in the City of San Pablo, this would not result in a significant impact. Therefore, no further discussion is required.

Appendix B of this document provides an explanation of the applicability of the studies identified by the commenter. Each of these studies was reviewed by the Chief of Police in concluding that no link exists between the controlled operation of a gaming club and criminal activity.

11. Pages 5-1 through 5-10 of the Draft EIR provide a thorough and adequate analysis of the alternatives of the project and is in compliance with CEQA *Guidelines* (please also see the response to comment #16 of this letter). Therefore, no further analysis of alternatives is warranted.

12. The commenter is incorrect in stating that a project with unavoidable significant impacts cannot be approved without violating CEQA *Guidelines*. Section 15043 of the CEQA *Guidelines* states:

"A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

- (a) There is no feasible way to lessen or avoid the significant effect; and
- (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project."

Therefore, no further analysis of this issue is warranted.

13. The City of San Pablo has adhered to all of the time limits presented in the CEQA *Guidelines*. The commenter's concern that the community, organizations, and the public have not been provided adequate time to evaluate and voice their concerns is acknowledged and will be considered by the lead agency.
14. The Draft EIR contains the analysis necessary for decision-makers to determine the environmental effects of the proposed project. Therefore, in accordance with CEQA *Guidelines*, no recirculation of the Draft EIR is required.

The commenter's request that the project site be moved to another location in the City of San Pablo is acknowledged and will be considered by the lead agency.

15. The Draft EIR identifies impacts related to land use, traffic, noise, pollution, and biological resources, and where appropriate and feasible, recommends mitigation measures to reduce or avoid these impacts. However, the project would not result in a loss of cultural or historical resources, an increase in criminal activity, or degradation of cultural and ethnic values. As stated in the Initial Study, no known prehistoric or historic archaeological sites are present on the project site. The existing structures were constructed after 1950 and are not historically or architecturally significant.

As stated in the response to comment #3 of the City of Richmond (Planning Director) letter, no correlation exists between gaming clubs and increased criminal activity. The project



would not effect any singular ethnic group or culture. Therefore, further analysis of these issues is not required.

16. Section 5.4 of the Draft EIR discusses the alternatives listed by the commenter. Since none of these alternatives would result in fewer significant impacts, they are not considered superior to the proposed project and therefore no further analysis is necessary.
17. Since the existing site is currently level (the change in elevation from one end of the project site to the other is less than five feet), no major topographic alteration would be required for resurfacing the site for use as a parking lot. The only subsurface alterations that would occur as a result of the project are associated with trenching that would be limited in scope and location for electrical services, drainage improvements, and utility upgrades. This is not considered to be major subsurface alterations. Therefore, the Initial Study, which is presented as Appendix A in the Draft EIR, adequately addresses the issues associated with earth movement at the project site and no further discussion is warranted.
18. For a discussion of health effects associated with cold starts of autos in the parking lot, please see the response to comment #11 of the Wildcat Creek Neighborhood Coalition letter. In addition, air quality impacts are addressed on pages 4-35 of the Draft EIR. Using Bay Area Air Quality Management District significance criteria, the quantity of emissions resulting from vehicular traffic to and from the gaming club would not be significant. Dust impacts are discussed on pages 4-34 to 4-35 of the Draft EIR. Dust resulting from construction activities would create a temporary, significant impact. Since these impacts have already been addressed, no further discussion is necessary.
19. Page 4-50 of the Draft EIR explains that expansion and use of the surface parking lot would increase the number and amount of pollutants generated at the project site. Mitigation Measure 4.5.2 requires the project applicant to incorporate best management practices as outlined in the City's stormwater plan to mitigate any water quality impacts associated with runoff from the parking lot. The implementation of this mitigation measure would eliminate any impacts to the Wildcat Creek riparian zone. In addition, as noted on pages 2-2 and 4-50 of the Draft EIR, the project applicant would obtain a National Pollution Discharge Elimination System (NPDES) permit from the Regional Water Quality Control Board. Therefore, no further analysis is necessary.

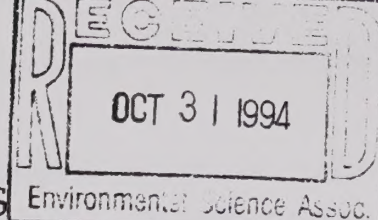
The commenter is incorrect in stating that the proposed parking lot will increase and change the rate of flow of ground water. As noted in the Initial Study, which is presented as Appendix A in the Draft EIR, no change in the direction or rate of flow of ground waters would occur since the site is currently paved. Therefore, no further analysis of this issue is necessary.

20. Although criteria pollutants would increase as a result of the proposed project, no special status species exist in the project area. For a discussion of stormwater runoff to Wildcat Creek, please see the response to comment #19 of this letter.
21. For a discussion of noise impacts, please see the response to comment #13 of the Wildcat Creek Neighborhood Coalition letter.
22. The project applicant would comply with City lighting and landscaping requirements. Lighting and landscaping plans would be included in the final design of the project to be approved by the City. Please also see the response comment #14 of the Wildcat Creek Neighborhood Coalition letter.
23. For a discussion of the effects associated with the relocation of the mobile home park residents, please see the response to comment #1 of the City of Richmond (Planning Director) letter and the response to comment #1 of the City of Richmond (Mayor) letter. The City is required to fully comply with the Americans with Disabilities Act (ADA) and applicable State regulations on the relocation of residents at the existing mobile home park. These residents do not represent any one particular segment of the population. Since they would be relocated according to a state-mandated relocation plan, and a relocation assistance advisory program would be implemented, no significant impact would occur. Therefore, further discussion is not required.
24. For a discussion of the impacts associated with the I-80 and San Pablo Dam Road interchange, please see the response to comment #2 of the City of Richmond (Planning Director) letter. This issue is adequately addressed in the Draft EIR and no further analysis is warranted.

For a discussion of the traffic safety impacts of the proposed project, please see the response to comment #17 of the Wildcat Creek Neighborhood Coalition letter.



25. Based on employee estimates (see page 3-7 of the Draft EIR) and patron projections (see Table 4.2.8 on page 4-24 of the Draft EIR), the estimated maximum capacity of the gaming club would be 1,400 persons. This maximum number was used in the Draft EIR in order to determine the impacts that could occur under worst-case conditions. The final maximum capacity will be determined by the West County Fire Protection District.
26. For a discussion of the potential increase energy use and possible subsurface alterations, please see the response to comment #19 of the Wildcat Creek Neighborhood Coalition letter.
27. Providing electricity to light standards in the parking lot would require trenching, which is not considered to be a major subsurface alteration. Therefore, the Initial Study, which is presented as Appendix A in the Draft EIR, adequately addresses the issues associated with earth movement at the project site and no further discussion is warranted.
28. For a discussion of cultural resource issues, please see the response to comment #21 of the Wildcat Creek Neighborhood Coalition letter. The residents of the mobile home park are not of any specific cultural or ethnic background. Therefore, discussion of this issue in the EIR is not warranted.
29. For a discussion of fish and wildlife impacts, please see the response to comment #2 of the Contra Costa County Flood Control and Water Conservation District letter.

**NORRIS & NORRIS**

HILLTOP OFFICE PARK

3260 BLUME DRIVE, SUITE 200

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J. ERICK DIMALANTA  
ROBIN A. BREWER

October 28, 1994

**VIA FACSIMILE AND MAIL**

Craig Monroe  
Community Development Department  
One Alvarado Square  
San Pablo, California 94806

**RE: Palace Casino Draft EIR**

Dear Mr. Monroe:

This letter is written on behalf of the applicants for the Palace Casino. We have reviewed the project Draft EIR, and submit the following comments. The Draft EIR is an effective document that meets the intent of CEQA for evaluating project effects and soliciting public comment. With the comments that are received and responses to those comments, we are confident that an adequate Final EIR can be completed and certified.

**A. BENEFITS OF THE PROJECT**

The primary purpose of an EIR is to identify impacts of a project. However, it is important to recognize the many substantial benefits this facility will provide for San Pablo and the surrounding region. These real benefits are more than sufficient to justify accepting the project's potential impacts.

1. **Employment.** The casino will provide approximately 700 jobs at full operation. The applicants have committed to use their best efforts to hire San Pablo residents for at least 30% of these jobs, on an ongoing basis. This will be achieved by extensive local advertising, support for job training programs, on-the-job training, and coordination with placement agencies. Most of the remaining jobs will be filled by residents of surrounding East Bay communities, benefitting the entire region. In addition, construction will provide short-term employment.

2. **Training Program.** The applicants have committed to establish and fund a job training program in coordination with a local organization (such as Contra Costa College), emphasizing training in management and other positions in the gaming industry. This program will provide a source of city residents as employees for the casino, and train students for other professions requiring similar skills.

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Craig Monroe  
October 28, 1994  
Page 2

3. License Tax. The City will collect substantial monthly taxes. As described on p.3-8 of the Draft EIR, taxes during the first year will equal at least 10% of revenues; the applicants expect the City to receive up to \$2.4 Million in taxes the first year. Thereafter, the City is guaranteed at least \$1,098,000 annually; revenues are anticipated to grow and eventually generate as much as \$4.8 Million yearly in taxes. This income will more than offset the loss of Mervyns and other retailers.

4. Tournament Fees. The City also is entitled to 10% of tournament entry fees collected by the casino.

5. Sales Taxes. This project includes a coffee shop, fine restaurant, cocktail lounge and banquet room. These facilities are projected to generate taxable sales of as much as \$5 Million annually, producing sales taxes of over \$412,000.

6. Property Taxes. The assessed value of the property will increase substantially. Total value after construction likely will exceed \$19 Million. The Redevelopment Agency will benefit from increased property taxes. This revenue will support new local programs and other redevelopment efforts.

7. Business Stimulation. The casino will attract a large flow of people into San Pablo. Other businesses in the city should benefit substantially from these new potential customers.

8. Rehabilitation. The project is within a designated redevelopment area. This development will remove deteriorated structures that currently create a blighting influence. The substantial investment in improving this property may encourage redevelopment and more intensive use of surrounding areas.

9. Local Charity. The applicants have committed to create a local San Pablo Foundation, and to contribute 1% of net profits (with a minimum annual payment of \$25,000). This charitable organization will fund public service and other activities in San Pablo, benefitting the entire population.

10. Security. The casino will employ a large security force to protect patrons and the property, with up to 52 trained officers. This will provide several benefits: the immediate area will be safer; scarce police resources now used to patrol the bowling alley and mobile home park can be assigned elsewhere; and the private officers will be available during times of public emergency to aid the San Pablo Police Department. The mobile home park, old motel and bowling alley have caused many calls for

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Craig Monroe  
October 28, 1994  
Page 3

police assistance; speakers at the EIR comment session testified about crime they believe are generated by the bowling alley.

1

#### B. HOUSING SUPPLY

Concerns have been expressed that the project will reduce the supply of affordable housing. Although existing dwelling units will be removed, under the circumstances this should not be considered a significant impact of the project.

The existing structures are in poor condition. The City was considering code enforcement abatement to remove some or all of the units as health and safety hazards, before the casino project was proposed. As an existing problem that the City intended to correct on its own, removal of the old motel and mobile homes should not be labelled an impact of the casino. In fact, this project is achieving important goals of the redevelopment plan, to remove blight and revitalize commercial activity in this area.

2

The Redevelopment Agency is working on a number of projects to rehabilitate existing housing and construct new housing in San Pablo. These efforts will produce more affordable dwellings than the casino is removing. Those new and rehabilitated units will provide a safe and healthy living environment. The Agency is preparing a Replacement Housing Plan for the casino, as required by state law, that documents these housing projects. Property tax increases from the project will provide substantial revenues for the Agency to complete these and other housing developments.

The Mayor of Richmond questions if relocation of residents will impact Richmond's housing supply. This action should not cause a significant temporary or long-term strain on affordable housing in San Pablo or neighboring areas. According to the Draft EIR (p.4-1), 37 of the 64 units already are vacant -- independent of the casino proposal -- leaving only 29 households to be relocated. This is too few to cause a significant impact. State law forbids the Redevelopment Agency from forcing residents to move until satisfactory replacement housing is located, protecting these households from any adverse impact.

3

#### C. CRIME

There is a general concern that the casino will cause increased crime in the area. Speakers at the EIR comment session described vandalism, drug dealing, burglaries and other problems caused by patrons coming from the bowling alley.

4

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Craig Monroe  
October 28, 1994  
Page 4

The casino actually will improve local conditions, because it will not attract the same kind of people who now perpetrate crime in the neighborhood. Juveniles will have no reason to come to the area, since they will not be allowed into the property. The ambiance of the casino and the large security force will prevent loitering by troublemakers and discourage heavy drinking.

The San Pablo Police Department considers the bowling alley, old motel and mobile home park problem areas that produce many calls for assistance. The properties have been both the scene of many crimes and the source of problems affecting surrounding neighbors. The casino will remove these trouble spots, freeing up police resources for other community service.

4

The Police Chief conducted a detailed study of other cities with casinos. He interviewed police officials and reviewed many reports on the subject, including a 1993 study from California State University at Fullerton that analyzed crime statistics for five cities during ten years. This research supported his professional conclusion that the casino will not increase crime. We understand that the Richmond Police Chief, who came from San Jose and has experience with casinos, agreed with the conclusion.

#### D. ALTERNATIVE SITE

Speakers at the comment session asked why the EIR did not study the El Portal Center. We understand that the City and the applicants did briefly consider this alternative, but rejected the site as undesirable and unnecessary for further study.

CEQA does not require an EIR to examine every possible alternative site. Any proposed location should mitigate significant impacts of the project better than will occur at the primary site, and not cause new more serious impacts.

The EIR identifies impacts from the casino related to local and regional traffic congestion, air quality, and construction dust and noise. Locating the project at El Portal Center would cause the same or similar impacts. In fact, traffic impacts likely would be worse because more intersections are affected.

5

A casino at El Portal Center would be near two schools, which is less desirable than the proposed site. In addition, the casino would interfere with operation of other businesses at the Center because of its parking needs. Finally, the casino would not be able to close off an area to provide security for patrons and their cars, which is an important objective of the project.

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Craig Monroe  
October 28, 1994  
Page 5

#### E. CONSTRUCTION ACTIVITY

The EIR identifies dust and noise from construction as significant impacts. The nature of this project will minimize the actual adverse effect of this particular construction.

The casino will be developed inside the existing bowling alley structure, with only a small addition. This avoids dust, noise and other impacts from demolishing the old building and constructing a new one. This approach also conserves building materials and landfill space. Most construction will occur inside, reducing adverse effects on surrounding neighbors.

The project will be built quickly. The calculation of dust production (Draft EIR pp. 4-34,-35) likely overstates actual impact of the casino, given rehabilitation of the existing building rather than new construction and a short work timetable.

Please correct one apparent error in Mitigation Measure 4.4.1 on Draft EIR p.4-45 (and in the Summary on p.1-5). The condition says to "limit noisy construction activities from 7:00 a.m. to 6:00 p.m., Monday through Friday." We assume the underlined word should read "to" or "from the hours of".

#### F. BENEFITS AND IMPACTS OF ALTERNATIVES

The Draft EIR evaluated alternatives to the project. It is important to recognize that the No-Project Alternative would result in losing all the benefits described in this letter, not just business license taxes. Similarly, the Reduced-Density Alternative would at a minimum reduce all benefits, not just license taxes. Reducing the number of card tables may eliminate some benefits entirely.

The Fry's Market alternative would have additional impacts not described on p.5-8. Previous studies of that site suggested that traffic using the El Portal/I-80 interchange would attempt shortcuts through a residential neighborhood. Congestion on San Pablo Dam Road would interfere with access to the entire El Sobrante Valley, impacting a large number of residents. Several churches might be adversely affected by having a casino nearby.

#### G. CUMULATIVE TRAFFIC IMPACTS

The Draft EIR identifies significant congestion involving the intersection of I-80 and San Pablo Dam Road. The public must recognize this is an existing problem, that would occur even

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Craig Monroe  
October 28, 1994  
Page 6

without the casino. This project will add only a minor increment of traffic to current and future rush-hour congestion. Card playing is not subject to strict schedules; we anticipate that customers will time their travel to avoid traffic delays.

10

#### H. AMADOR STREET

Richmond asks if converting Amador Street to right-turn-only operation may have undesired traffic effects. We understand that both parts of Mitigation Measure 4.2.2 in the Draft EIR (Amador Street and the I-80 overpass) depend on Caltrans funding and design. Actual road configuration will depend on specific plans Caltrans will prepare at some future time. Those plans may restrict Amador Street to right turns, or may relocate it to connect better with San Pablo Dam Road and the interchange.

11

It is much too speculative for the Casino EIR to attempt studying these details. CEQA specifically does not require an EIR to pursue overly indefinite and uncertain design issues and impacts. CEQA does not hold an individual project responsible for studying and mitigating existing congestion problems to which the project will only add minor amounts of additional traffic.

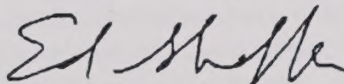
The Draft EIR identified congestion at this interchange as a significant unavoidable problem, that the casino cannot cure. The substantial benefits described in this letter justify accepting traffic the casino will add to this situation. Even if public agencies decide to implement the Amador conversion in advance of other improvements, this action would be primarily a response to existing conditions independent of the casino.

12

\* \* \* \* \*

Please call if you require any additional information about the project or clarification of these comments. We reserve the right to make additional comments concerning the EIR, and to rebut other comments the City may receive.

Very truly yours,



NORRIS & NORRIS, P.C.  
BY EDWARD L. SHAFFER

ELS:slc

\\DOC\G0078001\109946

EDWARD L. SHAFFER

1. The benefits of the proposed project, as identified by the commenter, are acknowledged and will be considered by the lead agency.
2. It is acknowledged that the San Pablo Redevelopment Agency has prepared a draft Replacement Housing Plan (see Appendix A of this document). The commenter's discussion regarding the efforts of the San Pablo Redevelopment Agency are acknowledged and will be considered by the lead agency.
3. For a discussion of the relocation of residents, please see the response to comment #1 of the City of Richmond (Mayor) letter.
4. The commenter's assertion that criminal activity in the site vicinity would decrease as a result of the proposed project is acknowledged and will be considered by the lead agency. For a discussion of the conclusions reached by the San Pablo Chief of Police regarding the link between criminal activity and operation of a gaming club, please see the response to comment #3 of the City of Richmond (Planning Director) letter.
5. For a discussion of the viability of the El Portal Shopping Center as an alternative site, please see the response to comment #8 of the Wildcat Creek Neighborhood Coalition letter.
6. The commenter's assertion that the Draft EIR overstates the actual impact associated with air quality emissions during construction is acknowledged and will be considered by the lead agency.
7. To clarify the intent of the mitigation measure, page 4-45, paragraph 4, sentence 1 of the Draft EIR has been revised to read (revised text is underlined):

"To reduce construction noise impacts to a level of less than significant, the City shall require construction contractors to limit noisy construction activities to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday."

8. The commenter's assertion that all benefits outlined as comment #1 of this letter would be eliminated under the No-Project Alternative and would be reduced under the Reduced-Density Alternative is acknowledged and will be considered by the lead agency.



9. The commenter's assertion that additional significant impacts could occur at the alternative site is acknowledged and will be considered by the lead agency.
10. Tables 4.2.4 and 4.2.5 (on pages 4-18 and 4-19 of the Draft EIR) and Pages 4-20 and 4-21 of the Draft EIR describe the impacts that would occur at the I-80 and San Pablo Dam Road interchange as a result of the operation of a gaming club at the proposed site. The commenter is correct in noting that comparison of the volume to capacity (V/C) ratio in the two tables indicates that project would contribute to congested conditions at this interchange.
11. For a discussion of the residual impacts associated with Mitigation Measure 4.2.2, please see the response to comment #2 of the City of Richmond (Planning Director) letter.
12. The commenter's opinion that the benefits of the project outweigh the significant, unavoidable adverse traffic impacts of the project is acknowledged and will be considered by the lead agency.

JULIE FREESTONE  
826 32ND STREET  
RICHMOND, CALIFORNIA 94804  
237 - 9323

October 28, 1994

Craig Monroe  
Planning Commission Manager  
City of San Pablo  
Community Development Department  
One Alvarado Square  
San Pablo, CA 94806

Dear Mr. Monroe,

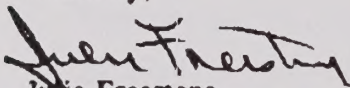
As you review the EIR related to the San Pablo Gaming Casino, I urge you to consider the impact of the project from a broader perspective than the traditional EIR dictates.

In planning a gambling facility on the northern border of Richmond, it is important to note that North Richmond is already impacted by crime, visual pollution, a poor quality of life and a dearth of recreational opportunities for young people.

To replace a bowling alley with a gambling facility is unconscionable. And to do it on the border of Richmond, but in the city of San Pablo makes the situation even more objectionable. San Pablo gets the tax revenue. Richmond gets the traffic, crime and decline in the quality of life. Because the facility isn't in Richmond, there is no chance of any mitigation up front or any long term advantage down the road for Richmond and her residents.

These results may not be within the purview of a typical EIR, but they certainly touch on environmental justice issues which must be considered. If San Pablo wants a gambling hall, let the city officials work with the developers to find a location that doesn't have a significant impact on the residents of Richmond, who have no say right now in planning the facility.

Sincerely,

  
Julie Freestone

cc: Mayor Rosemary Corbin  
Assemblyman Tom Bates  
Mayor Shirley Wysinger  
Assemblyman Robert Campbell



JULIE FREESTONE

1. As stated in the Draft EIR and in the response to comment #3 of the City of Richmond (Planning Director) letter, there is no correlation between criminal activity and the operation of a gaming club. Therefore, the project is not expected to increase crime in the City of Richmond. The project applicant would comply with City design requirements, which would eliminate visual impacts associated with project building design. The building license fees paid to the City could be applied to new recreational facilities for minors, at the City's discretion. The proposed gaming club would be located in an urban, commercial area. It would be a recreational use, similar to the current bowling alley. In addition, Wildcat Creek provides a buffer zone which directs potential impacts (i.e., traffic, light, and noise) away from residential uses in the City of Richmond and towards San Pablo Avenue.

Although the City of San Pablo will decide whether to approve this project, the City of Richmond and its residents are afforded the opportunity to comment on the project and to propose mitigation measures to lessen impacts. The Draft EIR has considered the effects of the project on City of Richmond residents and presents mitigation measures that would reduce impacts to residents of both cities.

Under State CEQA *Guidelines*, the City of San Pablo is not required to find a new project site that would have no significant effects. Section 15043 of the State CEQA *Guidelines* states:

"A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

- (a) There is no feasible way to lessen or avoid the significant effect; and
- (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project."

Therefore, the City may approve the project despite the fact that it would have significant impact.

# WCCTAC

West Contra Costa Transportation Advisory Committee

One Alvarado Square • San Pablo • California 94806

## Members:

El Cerrito  
Hercules  
Pinole  
Richmond  
San Pablo  
Contra Costa  
County  
BART  
AC Transit

October 31, 1994

Mr. Craig Monroe  
Planning Director, City of San Pablo  
One Alvarado Square  
San Pablo, CA 94806

Re: Draft EIR - Palace Casino

Dear Craig:

We have reviewed the Draft EIR (DEIR) for the Palace Casino in San Pablo and offer the following comments related to transportation and the Transportation Demand Management (TDM) program:

1. **Table 1.1, 4.2.1**

Adding vehicle trips during the peak hours are stated to be mitigated by San Pablo Avenue/San Pablo Dam Road improvements. On Page 4-15 ("Project Trip Generation") it is stated that current AM peak trips will increase from 20 to 246 when the Casino is built and PM peak trips will increase from 120 to 613. This is a significant increase in trips. How will the casino encourage ridesharing to decrease the AM and PM peak hour employee traffic?

2. **4.2.3**

How will the existing bus stop be enhanced to increase employee and patron transit use? This item should be mandatory, not voluntary as stated in the DEIR.

3. **4.2.4a**

Trip reduction programs are required for City business with 100 employees not 200 employees, as stated in the DEIR. An aggressive trip reduction program should be established at the onset.

Phone:  
(510) 215-3008

FAX:  
(510) 235-7059



4.     **4.3.2**

Pollutant emissions from vehicular traffic fall, in part, under the Bay Area Air Quality Management District's Regulation 13, Rule 1 - Trip Reduction Requirements for Large Employers and the City's Trip Reduction Ordinance #94-008 designed to encourage the use of commute alternatives, to decrease single-occupant vehicle trips, and to reduce air pollution and traffic congestion.

4

5.     **3.3 Project Characteristics**

Consideration should be given to providing preferential parking for employees carpooling or vanpooling to the work place. Employees carpooling or vanpooling to work decreases the number of employee parking spaces required.

5

There is no mention of an area designated for tour bus parking.

6.     **Impact 4.2.3**

There is mention of a shuttle bus to the nearest BART station. We support shuttle service if it complements AC Transit schedules, provides shorter headways for Casino employees or patrons, and/or provides service during hours when AC Transit does not operate.

6

7.     **Brookside Hospital Access**

Access to Brookside Hospital is via San Pablo Avenue/Vale Road. Traffic slow-downs at San Pablo Dam Road/San Pablo Avenue may affect emergency vehicle access to the hospital. How will the increase in trips (peak hour and otherwise) directly affect emergency vehicle access and how can the impact be mitigated?

7

8.     **West Contra Costa County Action Plan for Routes of Regional Significance**

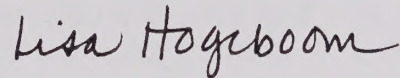
San Pablo Avenue has been designated as a "Route of Regional Significance" in the West Contra Costa County Action Plan (which is anticipated to be adopted in December 1994 by the WCCTAC). As such, the levels of service on San Pablo Avenue should be carefully monitored with the addition of large employment sites such as the Palace Casino to ensure that the levels of service are not exceeded, or mitigating actions are taken, in upcoming years.

8

Mr. Craig Monroe  
Page 3  
October 31, 1994

If you have any comments regarding the comments listed above, please do not hesitate to contact me at 215-3044.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Hogeboom".

Lisa Hogeboom  
Regional Program Manager

cc: Rory Robinson, City Manager, San Pablo  
Don Bradley, WCCTAC-TAC Chair  
Annemarie DeOrian, Brookside Hospital



WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE

*NOTE: To provide additional clarification on issues raised in this comment letter, modifications were made to the responses that were provided to this agency ten days prior to action on the EIR by the City of San Pablo Planning Commission. These modifications include deletions, which are indicated by strike outs, and addition, which are indicated by double underlining.*

1. As stated on page 4-25 of the Draft EIR, the project applicant would be required to prepare and implement an employee trip reduction program. This program is ~~intended~~ listed as a mitigation to reduce the parking demand at the project site. However, this program would also reduce the number of vehicles associated with employee trips. An employee trip reduction program was not included as part of Mitigation Measure 4.2.1 since the identified measure would mitigate the impacts associated with the operation of the San Pablo Avenue and San Pablo Dam Road intersection to a less-than-significant level. The details of the program would be developed in accordance with the City of San Pablo's Trip Reduction Ordinance.
  
2. In accordance with CEQA *Guidelines* Section 15126(c), Mitigation Measure 4.2.3 is not a mandatory measure because it does not mitigate a significant impact of the project. However, the City Council may choose to adopt this mitigation measure as a condition of project approval.
  
3. The commenter is correct in noting that the trip reduction regulation applies to businesses employing more than 100 persons, not 200 persons. As a result, page 4-25, paragraph 3 of the Draft EIR has been revised to read (revised text is underlined):
 

"The project applicant shall prepare and implement an employee trip reduction program, which is required by the City for businesses employing more than 100 persons."
  
4. The commenter is correct in noting that the project would be subject to the Bay Area Air Quality Management District's Regulation 13, Rule 1 and the City's Trip Reduction Ordinance.
  
5. As part of compliance with the City's Trip Reduction Ordinance (see Mitigation Measure 4.2.4a on page 4-25 of the Draft EIR), the project applicant could designate an area for preferential parking for employee vanpools and/or carpools.

The proposed site plan for the project does not identify an area for tour bus parking. It is anticipated that tour buses would use the drop-off area (see Figure 3.2 on page 3-5 of the Draft EIR) for loading and unloading of passengers. Tour bus parking would be accomplished at an off-site location.

6. The commenter's support of shuttle service under certain scenarios is acknowledged and will be considered by the lead agency. The BART station that is most convenient to the project site is the El Cerrito Del Norte station, which is approximately two miles south of the project site. To clarify the name of the closest BART station, paragraph 1 on page 4-14 of the Draft EIR has been revised to read (new text is underlined):

"In addition, the El Cerrito Del Norte Station of Bay Area Rapid Transit (BART) is approximately two miles south of the project site."

7. As presented in Tables 4.2.4 and 4.2.5 on pages 4-18 and 4-19, respectively, of the Draft EIR, the San Pablo Avenue and Vale Road intersection would not be affected by the operation of a gaming club at the proposed site. In addition, Mitigation Measure 4.2.1 on page 4-20 of the Draft EIR identifies improvements to the San Pablo Avenue and San Pablo Dam Road intersection that would mitigate the effects of the project to a less-than-significant level. Upon completion of these improvements, this intersection would operate at LOS C, which is considered to be an acceptable level of service by the City of San Pablo. In addition, it is not expected that emergency vehicles going to Brookside Hospital from I-80 or the east side of I-80 would use the Evans Avenue to bypass the San Pablo Avenue and San Pablo Dam Road intersection.
8. Five intersections along the San Pablo Avenue corridor are analyzed in the Draft EIR (see pages 4-15 through 4-21). Only one of the intersections would experience a decrease in the level of service as a result of the proposed project. Mitigation measures have been identified in the Draft EIR (see page 4-20) that would result in the operation of this intersection at an acceptable level of service.



## NORRIS &amp; NORRIS

HILLYER OFFICE PARK  
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JOSHUA S. GENSEN  
SHARON M. IVERSEN  
EDWARD L. SHAFER  
DAVID D. SMITH  
JUSTIN D. SCHWARTZ  
NOEL M. CAUGHMAN  
J. ERICK DIMALANTA  
ROBIN A. BREWER

October 31, 1994

VIA FACSIMILE AND MAIL

Craig Monroe  
Community Development Department  
One Alvarado Square  
San Pablo, California 94806

RE: Palace Casino Draft EIR

Dear Mr. Monroe:

We submitted a letter dated October 28, 1994 commenting on the Palace Casino Draft EIR on behalf of the project applicants. Following are additional comments, intended to respond to comments the City has received from other parties reviewing the EIR. We ask the City to consider all of our comments in preparing responses to criticisms of EIR adequacy.

CEQA does not require futile studies of infeasible alternatives, or encourage abstract analyses of speculative impacts. CEQA does require detailed comments offering specific criticisms or options. While we urge the City to provide thorough, good faith responses to all legitimate comments, you are not obligated to chase vague allegations of inadequacy.

ALTERNATIVE SITES

The El Portal Center has been suggested as a possible alternative site that the EIR should have studied. As we commented previously, the applicant and City both considered and rejected that location as infeasible and undesirable. In addition to the reasons listed in my October 28 letter, there are no vacant buildings or parcels available for the casino at this site, for the applicant to acquire. Several businesses may be planning to leave (Safeway and Mervyn's), but are still in operation and not expected to close for some time. While San Pablo may be willing to use its redevelopment powers to assist with assembly of the proposed site, we doubt that the City would

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Craig Monroe  
October 31, 1994  
Page 2

evict Mervyn's or Safeway. Furthermore, the City's primary goal is to replace those businesses with similar retail uses. ①

The EIR has been criticized for not considering other sites that avoid the significant unavoidable impacts identified for the project site and that are not near residential neighborhoods. However, no commentor has suggested any other location for study. We understand that the City and applicant undertook the same exercise before preparing the EIR, and were not able to identify another property capable of accommodating the casino and its parking needs, conveniently accessible to I-80, reasonably available for acquisition and development. ②

#### PARKING

The EIR is criticized for basing its conclusion of no significant parking impact on a future demand study after the casino opens. The commentors fail to understand the basis for this conclusion: it is not the study that avoids an impact, but the mitigations that the study will trigger.

The parking analysis uses a very cautious estimate of parking demand from the City of Colma (one space per cardtable seat), which assumes that no one will come to the casino with another player, and no one will use public transit or charter buses. The analysis also is based on opening 100 cardtables and full occupancy. ③

In reality, patronage of the casino is expected to grow gradually; the applicants hope to operate all 100 tables eventually -- but not immediately. In addition, public transit use will be encouraged and shuttle buses to BART are proposed. The casino also will be required to participate in the City's employee trip reduction program.

CEQA recognizes such situations, and similar scenarios relying on monitoring studies to trigger future mitigations have been used and upheld by the courts. The key test is that all possible mitigations are practically feasible, so the City can make the reasonable finding that significant parking impacts will be avoided. The parking lot easily can be reconfigured to accommodate more tandem parking. Nearby off-site parking for employees can be provided by the casino operator without difficulty if necessary. There are no practical obstacles to expanding BART shuttle service.

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Craig Monroe  
October 31, 1994  
Page 3

The applicant believes that 875 parking spaces will be more than adequate, even at full operation. Parking congestion would discourage customers, which is not in the casino's best interest. If growing patronage strains parking, the applicant will take measures to improve conditions -- and probably before the City requires additional mitigations.

3

#### KEEP PROJECT IN PERSPECTIVE

The City has received comments that treat this project as a massive new development in virgin territory. CEQA recognizes that this infill project should be measured in the context of an already-urbanized commercial area that is less sensitive to incremental increases in activity. A "significant" impact in rural areas may only be a marginal change in an urban setting.

#### Construction.

Actual construction involves mainly interior remodeling of an existing commercial structure with minor additions; producing much less impact than demolition and new construction. A dilapidated parking lot will be rebuilt. Minor structures will be removed and replaced by a new surface parking lot.

No major excavation or earth moving is required (compared to new development projects that require extensive grading, tree removal, etc.). Older buildings frequently are renovated. Parking lots often are rebuilt. There is nothing unique about the property or the construction to suggest unusual problems. Well-established regulations and procedures imposed by the City and other public agencies will safeguard against impacts. In fact, the parking lot will be modernized and equipped with drainage control features that should prevent runoff-related problems that now occur. Similarly, dust and noise will be relatively minor compared with a full construction project, and will be subject to industry and regulatory controls.

4

#### Operations.

The casino is replacing a bowling alley that until recently was very active. The alley attracted large numbers of juveniles and others, often until late at night. The property also provided easy access to Wildcat Creek, and we understand that adjacent neighborhoods experienced crime problems from people crossing the creek. The casino represents a somewhat more intensive recreational use of the property -- but not a major change or increase in the nature or magnitude of activity. The

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Craig Monroe  
October 31, 1994  
Page 4

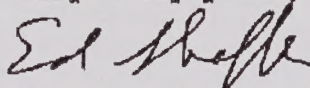
large security force will maintain tight control of patrons and monitor activity within the casino and parking lot. Continual operations will eliminate the opportunity to use the property for access to the creek and nearby residences.

5

Traffic generated by the casino will increase from past bowling alley and residential volumes, but will be similar in nature. Patrons will tend to avoid rush-hour congestion, reducing the casino's impact on peak traffic. The casino does not represent a substantial net change from existing conditions in this commercial area.

6

Very truly yours,



NORRIS & NORRIS, P.C.  
BY EDWARD L. SHAFFER

ELS:slc

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EDWARD L. SHAFFER (October 31, 1994)

1. For a discussion of the viability of the El Portal Shopping Center as an alternative site, please see the response to comment #8 of the Wildcat Creek Neighborhood Coalition letter.
2. The commenter's is correct in noting that the City of San Pablo has investigated several sites to determine the viability of the development of a gaming club at other locations.
3. For a discussion of the mitigation measures associated with parking impacts, please see the response to comment #11 of the Citizens for Common Sense letter.
4. The commenter is correct in noting that no major earthmoving activities would occur as a result of the proposed project. For a discussion of air quality impacts during construction, please see the response to comment #12 of the East Richmond Neighborhood Council letter.
5. The commenter's statements about the recreational nature of the proposed gaming club and the operation of the facility are acknowledged and will be considered by the lead agency.
6. The commenter's opinion that the gaming club would not represent a significant change from the existing conditions represented by the bowling alley is acknowledged and will be considered by the lead agency.

## GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET  
SACRAMENTO, CA 95814



October 31, 1994

CRAIG MONROE  
CITY OF SAN PABLO  
ONE ALVARADO SQUARE  
SAN PABLO, CA 94806

Subject: PALACE GAMING CASINO SCH #: 94083043

Dear CRAIG MONROE:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Chiriatti, Jr.', with a stylized flourish at the end.

Michael Chiriatti, Jr.  
Chief, State Clearinghouse

1



# Notice of Completion Supplementary Document M

See NOTE below

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 94083043

Project Title: PALACE GAMING CASINO

Lead Agency: CITY OF SAN PABLO

Street Address: ONE ALVARADO SQUARE

City: SAN PABLO

Zip: 94806

Contact Person: CRAIG MONROE

Phone: 510-215-3038

County: CONTRA COSTA

## Project Location

County: CONTRA COSTA

City/Nearest Community: CITY OF SAN PABLO

Cross Streets: SAN PABLO AVE./SAN PABLO DAM RD.

Zip Code: 94806

Total Acres: 9.3

Assessor's Parcel No. \_\_\_\_\_

Section: \_\_\_\_\_

Twp. \_\_\_\_\_

Range: \_\_\_\_\_

Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: I-80

Waterways: WILDCAT CREEK

Airports: NONE

Railways: NONE

Schools: RIVERSIDE ELEMENTARY

## Document Type

CEQA:

☐ NOP

☐ Supplement/Subsequent

NEPA:

☐ NOI

Other:

☐ Joint Document

☐ Early Cons

☐ EIR (Prior SCH No.)

☐ EA

☐ Final Document

☐ Neg Dec

☐ Other

☐ Draft EIS

☐ Other

☒ Draft EIR

☐ FONSI

## Local Action Type

- ☐ General Plan Update
- ☐ General Plan Amendment
- ☐ General Plan Element
- ☐ Community Plan

☐ Specific Plan

☐ Master Plan

☐ Planned Unit Development

☐ Site Plan

☐ Rezone

☐ Prezone

☒ Use Permit

☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.)

☐ Annexation

☐ Redevelopment

☐ Coastal Permit

☐ Other

## Development Type

- ☐ Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_
- ☐ Office: Sq. ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
- ☒ Commercial: Sq. ft. 50,000 Acres \_\_\_\_\_ Employees 700
- ☐ Industrial: Sq. ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_
- ☐ Educational
- ☐ Recreational

- ☐ Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_
- ☐ Transportation: Type \_\_\_\_\_
- ☐ Mining: Mineral \_\_\_\_\_
- ☐ Power: Type \_\_\_\_\_ Watts \_\_\_\_\_
- ☐ Waste Treatment: Type \_\_\_\_\_
- ☐ Hazardous Waste: Type \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

## Project Issues Discussed in Document

- ☐ Aesthetic/Visual
- ☐ Agricultural Land
- ☒ Air Quality
- ☐ Archeological/Historical
- ☐ Coastal Zone
- ☐ Drainage/Absorption
- ☐ Economic/Jobs
- ☐ Fiscal
- ☐ Flood Plain/Flooding
- ☐ Forest Land/Fire Hazard
- ☐ Geologic/Seismic
- ☐ Minerals
- ☒ Noise
- ☒ Population/Housing Balance
- ☒ Public Services/Facilities
- ☒ Recreation/Parks
- ☐ Schools/Universities
- ☐ Septic Systems
- ☐ Sewer Capacity
- ☐ Soil Erosion/Compaction/Grading
- ☐ Solid Waste
- ☐ Toxic/Hazardous
- ☒ Traffic/Circulation
- ☒ Vegetation
- ☐ Water Quality
- ☐ Water Supply/Groundwater
- ☐ Wetland/Riparian
- ☐ Wildlife
- ☐ Growth Inducing
- ☒ Landuse
- ☒ Cumulative Effects
- ☐ Other

## Present Land Use/Zoning/General Plan Use

COMMERCIAL - BOWLING ALLEY & MOBILE HOME PARK / C-1 LIGHT COMMERCIAL / COMMERCIAL

## Project Description

REUSE EXISTING STRUCTURE FOR A 100 TABLE CARDROOM (GAMING CASINO) & RELOCATE MOBILE HOME PARK RESIDENTS - MHP AREA TO BE USED FOR PARKING

LEARNINGHOUSE CONTACT: Michael Chiriatti, Jr.  
(916) 445-0613

DATE REVIEW BEGAN: 9-16-94  
DATE REV TO AGENCY: 10-24  
AGENCY REV TO SCH: 10-29  
DATE COMPLIANCE: 10-31

CMT SNT

☒ Resources

CMT SNT

State/Consumer Svcs

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

QMD/APCD: 2 (Resources: 9/24)

IV-104

State Lands Comm

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1. It is acknowledged that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.



## **V. RESPONSES TO COMMENTS AT THE PUBLIC HEARING ON THE DRAFT EIR**

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The City of San Pablo conducted a public hearing on Tuesday, October 11, 1994 to provide the public an opportunity to comment on the Draft EIR. Ten persons spoke at the public hearing. The transcript from the public hearing is presented verbatim and comment numbers have been assigned in the left margin. Following the transcript from the public hearing, a response to each comment is provided.

1 PUBLIC HEARING

2  
3  
4 ----o0o----

5  
6  
7 In Re: Draft environmental impact report for the casino  
8 development proposed at San Pablo Avenue.

9 COPY  
10  
11  
12  
13  
14

15 Date: October 11, 1994  
16 Time: 7:00 p.m.  
17 Location: Civic Center  
18 Maple Hall  
19 San Pablo, California  
20  
21  
22

23 LOTUS REPORTERS  
24 1956 Webster Street, Suite 450  
25 Oakland, California 94612  
26 (510) 444-6400



A P P E A R A N C E S

Gordon Anderson, Deputy City Manager

Mayor Shirley Wysinger

Craig Monroe, Planning Director

John Eller, Assistant Planning Director

David Full, Consultant, Environmental Science Associates

Veronica R. Escamilla, C.S.R. Reporter

---o0o---

# I N D E X

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| <u>PUBLIC COMMENT</u>                                            |        |
| Jose Delarroz<br>3033 Tulare Avenue<br>Richmond, California      | 12     |
| Ricardo Magana<br>927 32nd Street<br>Richmond, California        | 13, 35 |
| Tylos Jackson<br>800 34th Street<br>Richmond, California         | 17     |
| Melinda Chinchilla<br>3006 Tulare Avenue<br>Richmond, California | 19     |
| Paul Jagoda<br>2121 Vale Road<br>San Pablo, California           | 21     |
| George Newcomb<br>(No address given)                             | 22     |
| Ronnie Levo<br>950 32nd Street<br>Richmond, California           | 25     |
| Suzanne Sanders<br>1171 34th Street<br>Richmond, California      | 26, 36 |
| Gary Dean Wilkins<br>(No address given)                          | 29     |
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1 Tuesday, October 11, 1994

7:00 p.m.

2 ---o0o---

3 MR. ANDERSON: Good evening, ladies and gentlemen.  
4 We'd like to call this public meeting to order. My name  
5 is Gordon Anderson and I'm the deputy city manager for the  
6 City of San Pablo, and we're here tonight to talk about  
7 the draft environmental impact report for the casino  
8 development proposed at San Pablo Avenue.

9 What I'd like to do is take a few minutes and  
10 introduce a few people here today. We do have our Mayor,  
11 Shirley Wysinger, and I'm sure a couple more counsel  
12 members are scheduled to be here tonight. Some of our  
13 planning commission members will stop in tonight as well.

14 We have Craig Monroe, our planning director, and John  
15 Eller our assistant planner sitting in the back of room.  
16 And we will have a court reporter here taking down  
17 everyone's comments, and that's Ms. Veronica Escamilla  
18 sitting on the side.

19 And then our consultant who will be conducting the  
20 primary portion of meeting is David Full, and he's sitting  
21 to my left.

22 What I want to do is just give you a little bit of  
23 parameters in terms of what we can talk about tonight and  
24 how we go through the discussion. We envision that the  
25 meeting tonight will last about an hour based on your  
26 comments that you have.

1           Some of you who attended the meeting on the initial  
2 study, we went through and we talked about what the  
3 environmental impact report was going to cover.

4           Some of you have come in and gotten copies of the  
5 draft EIR, some of your organizations received copies in  
6 the mail, so the purpose of the meeting tonight is for you  
7 to express your comments about the environmental impact  
8 report.

9           It is not a meeting where we will discuss what your  
10 comments are. It's for you to come up and you make a  
11 comment to us, the recorder is going to make sure that she  
12 takes down those comments, and then when the final  
13 environmental impact report is done, your comments will be  
14 addressed as part of that report.

15           What we're going to ask, depending upon the number of  
16 people, is that you please keep your comments to about  
17 three minutes long. And we're not going to sit here with  
18 the clock and go bong at the end of three minutes, but we  
19 are going to ask you to try to keep your comments within  
20 about three minutes so that everyone will have an  
21 opportunity to speak.

22           Prior to Mr. Full taking your comments he is going to  
23 give you a brief presentation on what's in the  
24 environmental impact report so that you'll have a better  
25 understanding of where we are relative to the  
26 environmental impact report.



1           And then the final thing that I want to point out to  
2 you are the upcoming meetings and the dateline for your  
3 comments. We're going to be taking comments tonight.  
4 That's the purpose of this meeting.

5           You also have an opportunity to submit comments in  
6 writing to us on or before October 31st. But if you're  
7 going to submit any other comments beyond tonight, they  
8 must be in to us by 5:00 p.m. on October 31st. Okay?

9           Then the planning commission will meet and discuss  
10 the environmental impact report at its meeting on November  
11 the 3rd, and that will be in the evening. It will be  
12 noticed and we'll make sure that you receive notices of  
13 that.

14           And then the city counsel will consider certification  
15 on the environmental impact report at its meeting on  
16 November the 7th. Okay?

17           So there's three critical dates, October 31st, 5:00  
18 p.m. is the final opportunity for you to submit comments.  
19 Then November 3rd, the items will be discussed by the  
20 planning commission, and on November 7th it will be  
21 discussed by the city counsel.

22           Okay, is there any questions about what we've gone  
23 over so far?

24           Okay. What I'd like to do is turn it over to Mr.  
25 Full who will give you a brief presentation on the  
26 environmental impact report and then it's open for each of

1       you to come forth and give us your comments. Thank you.

2           MR. FULL: Thank you, Gordon.

3           Good evening. My name is David Full. I represent  
4       Environmental Science Associates out of San Francisco, and  
5       we are the firm that did prepare the draft EIR for the  
6       City of San Pablo on the Palace Casino project.

7           What I'd like to do this evening, as Gordon said, is  
8       to go through the document very briefly and outline what  
9       we consider to be the significant impacts of development  
10      of the Palace Casino.

11          If you attended the meeting we had previously on the  
12      initial study, you know that there are six environmental  
13      issue areas that are covered within this EIR.

14          The first area is land use and planning. Through our  
15      analysis we determined that there are no significant  
16      impacts associated with land use and planning as far as  
17      the project is concerned.

18          The second environmental issue area is transportation  
19      and circulation. There are some significant impacts  
20      associated with traffic and parking. The first is that  
21      operation of the Palace Casino would add vehicle trips to  
22      the road network, and specifically the intersection of San  
23      Pablo Avenue and San Pablo Dam Road would be degraded by a  
24      level of service.

25          We've identified some mitigation measures within the  
26      report that do mitigate this impact to a less than



1 significant level, and those involve improvements to that  
2 intersection, physical improvements. Another traffic  
3 impact is that the operation of the Palace Casino would  
4 add vehicle trips to the I-80, San Pablo Dam Road  
5 interchange, and that is a significant impact.

6 Improvements have been identified for that  
7 intersection; however, there has been no funding  
8 mechanisms in place to make that improvement. As a  
9 result, we don't believe that it's a feasible or  
10 implementable mitigation measure at this time. Therefore,  
11 it's considered to be a significant impact even after  
12 mitigation.

13 Finally, the development of the Palace Casino may not  
14 provide enough off-street parking to accomodate the  
15 parking demand associated with the project. That, too, is  
16 considered to be a significant impact. Mitigation  
17 measures that are proposed within this document include an  
18 employ a trip reduction program and a comprehensive  
19 parking study.

20 The implementation of both those mitigation measures  
21 will result in this impact being mitigated to a less than  
22 significant level.

23 The third environmental issue area is air quality.  
24 Earth moving and construction activity associated with  
25 building the parking lot of the Palace Casino will result  
26 in the -- would result in the temporary increase and

1 ambient concentrations of what we call PM10s, or what's  
2 commonly known as dust.

3 This is considered to be a significant impact,  
4 however, it is a temporary impact since it would only  
5 occur during the construction period.

6 We have identified mitigation measures within the  
7 document that would reduce the level of significance of  
8 this impact, however, it could not be reduced to a less  
9 than significant level being that there are what we call  
10 sensitive receptors nearby. Those folks at the hospital  
11 and in the convalescent home nearby.

12 In addition, the Palace Casino would result in, as I  
13 had indicate earlier, additional trips on the roadway  
14 networks. This could result in an increase in the  
15 concentration of carbon monoxide emissions, and this is  
16 specifically at the San Pablo Avenue, San Pablo Dam Road  
17 intersection.

18 Improvements in the traffic flow at that intersection  
19 would reduce the emissions associated with the additional  
20 vehicle trips, but during the short term period that would  
21 still be a significant impact.

22 In the long term, as vehicles become more fuel  
23 efficient, carbon monoxide emissions are decreased, and in  
24 the long term this would be not a significant impact. But  
25 still in the short term, we still have to identify it as  
26 an impact.



1           The fourth issue area is noise. Specifically,  
2 construction noise associated with the development of the  
3 parking lot. This is considered to be a significant  
4 impact, again, because of sensitive receptors, folks at  
5 the hospital, folks in the convalescent home.

6           We've identified a whole range of mitigation measures  
7 that can be implemented to reduce this impact to a less  
8 than significant level.

9           The fifth issue area is biological resources. We  
10 have a significant impact associated with storm water  
11 runoff from the paved parking lot. It could introduce  
12 pollutants into the riparian zone associated with Wild Cat  
13 Creek.

14           As part of the overall approval process associated  
15 with the project, the project applicant will be required  
16 to get a national pollution discharge elimination system  
17 permit, and that is from the regional water quality  
18 control board.

19           This permit requires the project applicant to use  
20 what are known as best management practices, and those are  
21 outlined in the city storm water plan. By implementing  
22 those best management practices into the approval of that  
23 permit, this impact will be reduced to a less than  
24 significant level.

25           The sixth and final environmental issue area is  
26 public services, and we specifically looked at both fire

1 protection services and police protection services. And  
2 the analysis determined that the development and operation  
3 of the Palace Casino would not result in any significant  
4 impacts to fire protection or police protection services.

5 That is an overview of the impacts associated with  
6 the Palace Casino. I hope you've all had a chance to kind  
7 of take a look at the document.

8 There's a summary section up front that does provide  
9 the information that I've just given you, but if you want  
10 additional information on specific impacts, I suggest you  
11 read further back into the document where there is much  
12 more detailed discussion of those impacts.

13 With that, I guess we can open it up for public  
14 comment. Yes?

15 MAYOR WYSINGER: Mr. Full, in explaining the impact  
16 at the San Pablo Dam Road and the I-80 interchange, I  
17 don't know if you made it clear that the CalTrans has a  
18 program in that, but it's not funded at this time.

19 MR. FULL: That's correct. And that was the  
20 basis -- thank you. That was the basis for that  
21 determination is that CalTrans has identified some  
22 improvements to that interchange, the I-80, San Pablo Dam  
23 Road interchange.

24 What's important is that those improvements have not  
25 been funded by CalTrans as yet. So to be an objective  
26 document we need to disclose that information and let the



1 public know that this is not a funded improvement,  
2 therefore, we cannot indicate that this improvement would  
3 mitigate this to a less than significant level being that  
4 the funding has not been approved for that intersection.

5 I think the other thing I'd like to do is to indicate  
6 when you do come up to the microphone if you could state  
7 your name clearly. And if you have an interesting last  
8 name, maybe spell it for the court reporter, and also  
9 provide your address as well. That will help us in  
10 responding to your comments within the document. Thank  
11 you.

12 MR. ANDERSON: Okay, who would like to go first?

13 MR. DELARROZ: My name is Jose Delarroz,  
14 D-e-l-a-r-r-o-z. I live on Tulare Avenue, which is right  
15 on the border there of San Pablo and Richmond, one block  
16 over.

17 MR. ANDERSON: Could we have the street address?

18 MR. DELARROZ: 3033 Tulare. And right now we're  
19 having enough problem with crime and all, and bringing in  
20 a number of undesirable people into our neighborhoods as  
21 it is. And right now -- I remember once seeing a San  
22 Pablo cop even more than one block off the border of San  
23 Pablo. I've never seen a San Pablo cop in my area.

24 And all I ever see is -- Richmond can't even handle  
25 the problems we have now. Now, this will bring more than  
26 that.

1 Now, number two, about the amount of cars coming  
2 around. The intersection of Tulare and San Pablo Avenue  
3 is also a very busy intersection and that's going to --  
4 I've seen a few accidents up there.

5 Now, that will also be another problem. And I also  
6 think that being -- putting a gambling hall down into the  
7 El Portal complex would make much more sense since you  
8 have a lot of dying businesses in the El Portal area  
9 anyway, so why don't you put it down there?

10 I was totally objecting. All of you sudden you guys  
11 voted to have it on San Pablo Dam Road. All of a sudden,  
12 boom, I hear it's coming by me.

13 Now, we have trouble trying to sell the houses we got  
14 around there now. There must be probably 30, 40 houses in  
15 my area who are not selling. Now, having a gambling hall  
16 there is not going to help the value of my home or anybody  
17 else's home.

18 So what I suggest is I think you should put it more  
19 in a centralized business district such as El Portal,  
20 where maybe having it in that area will maybe help the  
21 other businesses around that area, plus, you have better  
22 access to a freeway as well. Thank you.

23 MR. ANDERSON: Thank you.

24 MR. MAGANA: Good evening. My name is Ricardo  
25 Magana. My address is 927 32nd Street, Richmond  
26 California. I'm the president of the north and east



1 neighborhood counsel which the directly borders on this  
2 project site.

3 We wrote a letter to Mr. Craig Monroe addressing some  
4 of the items that we felt would have significant impact if  
5 the Palace Casino were to be located where it's presently  
6 proposed.

7 Our letter was dated September the 8th. I believe  
8 the draft EIR was published on the 15th of September. We  
9 had a number of issues that we wanted to be considered as  
10 part of the draft EIR, but I was dismayed to look at the  
11 final document and realize that only lip service was paid  
12 to those items, and I'll read them out to you in the order  
13 that they were presented.

14 Study alternative sites completely within the San  
15 Pablo City limits without sharing borders with the City of  
16 Richmond or other adjacent municipalities. I feel that  
17 the alternatives that were presented in the draft EIR do  
18 not meet these concerns.

19 Consider alternatives to 24 hour per day, 7 day per  
20 week, 365 day per year operation. I believe that the  
21 draft EIR merely states that by acknowledging the worse  
22 case scenario, which is exactly what the project sponsor  
23 is proposing, that anything less would be okay.

24 Well, we know that. We know that if we did not have  
25 this development we'd all be much better off. What we  
26 want is for the City to evaluate as part of the draft EIR

6

7



1 what are the benefits as well as the risks, you know, by  
2 having a very intense development such as the one that is  
3 being proposed now.

4 Third, consider alternatives to the proposed 912  
5 parking spaces. This represented a significant increase  
6 over the 350 parking spaces. And our main point here is  
7 that you're taking away low income housing in order to  
8 subsidize this large parking lot which is now going to  
9 clog up our streets.

10 Consider alternatives to on-site parking including  
11 the use of public transit, shuttle services to BART and  
12 train stations, and share parking with adjacent  
13 facilities. I don't believe the draft EIR addresses  
14 this.

15 There are significant shopping centers in this area  
16 that are half empty, and yet those parking spaces sit  
17 there. I doubt that Kmart shopping center is going to be  
18 occupied with shoppers at 3:00 in the morning.

19 So rather than dislocating low income residents, why  
20 don't you try to strike a deal in which you try to take  
21 advantage of the fact that some of those parking spaces  
22 are not going to be used for 70 or 80 percent of the  
23 time.

24 Consider alternatives that would maintain the  
25 existing locals housing at trailer park. I don't believe  
26 this alternative was studied or even given any



1 consideration whatsoever in the draft EIR.

2 Consider alternatives to the on grade parking, such  
3 as a parking structure. A parking structure would enable  
4 you to maintain some of the low cost housing as well as  
5 enable you to keep some of the valuable land available for  
6 future development that the City may wish to get involved  
7 with when the economy picks up.

8 Consider alternatives that would provide recreational  
9 opportunities to all age groups. In this county,  
10 especially west county, we are suffering among the highest  
11 dropout rates in terms of the kids, highest truancy rate.  
12 It's a problem.

13 There was a shooting at Kennedy High School the other  
14 day. This area, in case you're not aware, suffers from  
15 one of the highest crime rates and highest truancy rates  
16 for juveniles.

17 By taking away recreational opportunities, which the  
18 bowling alley provides, we're taking one more item or  
19 avenue for these kids to, you know, spend their time  
20 without injuring themselves or others.

21 Consider alternatives that would increase the areas  
22 for community gatherings, and also consider the  
23 alternative to the proposed hundred table card room. The  
24 alternatives should include an evaluation of the potential  
25 risks and rewards.

26 The proposed hundred table card room would be, by

12

13

14

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1 far, the largest card room in Northern California. And we  
2 don't feel that this community is ready to accept such a  
3 drastic change overnight.

4 San Pablo hasn't had legalized gaming since the  
5 1950s, and we feel that the impact of the largest  
6 Nevada-style casino in our area, you know, overnight, is  
7 going to come with all the problems that we know are  
8 associated with enterprises of this type, which is, you  
9 know, loan-sharking, prostitution, money laundering, and a  
10 whole host of other activities.

11 We just feel that this community is not ready for  
12 that, and that you should evaluate a less intense use for  
13 this site. Thank you.

14 MR. ANDERSON: Thank you. Next.

15 MR. JACKSON: My name is Tylos Jackson, T-y-l-o-s,  
16 Jackson. I live at 800 34th Street. I also have a  
17 daycare business at 3328 Garvin.

18 And I also think that gambling, putting this casino  
19 up there, would also lower our income up there. I have  
20 about a half million dollars worth of real estate property  
21 up there.

22 And I feel that this close, with the traffic and with  
23 the children that we are dealing with, and with all that  
24 is going on down there, I think it would be in danger to  
25 them.

26 I also have a building over on 39th and Florida, too,

16

17

18



1 and that's a low crime area. I mean, we're just beginning  
2 to get things in order over there. So all of this coming  
3 in here I don't think it will help us at all. As a matter  
4 of fact, I think it would downgrade our property up  
5 there.

6 So I would suggest that if you're going to put a  
7 casino, go back down here, you know, we have a building  
8 down here we'll let you have.

9 You can get that building and put the casino in  
10 there, you know. Because we paid a million dollars for it  
11 and we can't operate it so you can get that building down  
12 there.

13 And from my understanding you said a hundred people  
14 would be too much congestion of traffic, and here what I  
15 see is where you have 900 parking spaces here, you know,  
16 and then the casino right in my back door here, it just  
17 don't sound good at all, you know.

18 And I'll just say I would suggest that if you're  
19 going to do anything, take it back down here where there's  
20 no homes at. But here you have everyone with a home.

21 Some of people up there have homes and that's the  
22 only home they have. And they don't want this type of  
23 thing happening to them, you know, that going to degrade  
24 their property.

25 Most of the people where I live, most of them are  
26 senior citizen people. They worked all their lives and

18

19

20

1 bought their homes and paid for their homes. Now to have  
2 something to come in and to take it away from them.

3 It might increase the crime rate there. The old  
4 people, they can't take care of themselves. So I don't  
5 think it would be fair to put it there. Thank you.

6 MR. ANDERSON: Next.

7 MS. CHINCHILLA: Hi, my name is Melinda Chinchilla,  
8 C-h-i-n-c-h-i-l-l-a. I live at 3006 Tulare Avenue.

9 My main concern is that there's going to be 24-hour  
10 drinking, drunk people on the road. Not that, you know,  
11 that doesn't already happen but, you know, our street is  
12 right there. Where are these people going to be going?  
13 Right down our streets.

14 And, you know, I think that it was really unfair that  
15 we, the people of Richmond who are right on the border,  
16 did not even get a chance to vote on this. So we really  
17 have no say. And that's kind of how, you know, we've been  
18 just, oh, here it is, you know.

19 I think if the people of San Pablo had to vote it in  
20 at Mervyn's, it would have never -- we wouldn't have even  
21 gotten this far. And I just think that it's really unfair  
22 that we just -- you know, our homes are there. There's no  
23 other homes in San Pablo, practically, in the area.  
24 There's trailers and there's businesses, you know, and  
25 that's about the limit.

26 So you're moving the trailers out so, you know,

(20)

(21)

(22)



1 they're going to be okay because they're not going to be  
2 in the area. So I just think that, you know, it's just  
3 not fair that -- you know, it's right on the border.

4 And I think that this was a decision that was made  
5 because -- I mean, you don't see a crowd of people here  
6 from San Pablo. Most of these people are from Richmond  
7 because, you know, it's just . . .

8 I mean, I really don't see any point that this would  
9 do anything. You're offering seven hundred and something  
10 jobs to people. Most people, you know, I mean, they would  
11 take it because it's a job not because it's a job they  
12 would want.

13 I think, you know, it would have been better to put a  
14 place there for children, you know. Something that  
15 they -- you know, for children to have a place to go.  
16 Maybe not a bowling alley, maybe some other type of  
17 activity, you know. Some other type of club or, you know,  
18 Boys Club or Girls Club for children to spend their time.  
19 I think we need to focus more on kids than gambling.

20 MR. ANDERSON: Okay. Before the next the speaker  
21 just a reminder on our decorum. The applause, we need to  
22 hold those to a minimum because we're just here to take  
23 input. It is not at issue to debate merits of the project  
24 here tonight.

25 If you've got comments on the development itself,  
26 which each of you have been making comments, would each of

22

23

24

1 you just makes those comments for the environmental impact  
2 report, because the other comments have nothing to do with  
3 the EIR.

4 Okay, who's next? Come on up, sir.

5 MR. JAGODA: My name is Paul Jagoda, J-a-g-o-d-a. I  
6 live at 2121 Vale Road, San Pablo.

7 I don't know if I'm the only one here besides my  
8 neighbor from San Pablo, but I'll be living across the  
9 street from the proposed site. I've bowled Lucky Lanes  
10 for the last eight years, and I'm very heartbroken that's  
11 that's going to be closed down.

12 Also, I have friends that live in the trailer court  
13 that is proposed to be taken over. I have lived in San  
14 Pablo for the last eight years, and I've seen crime go up  
15 and down.

16 We have had a couple of murders out in front of my  
17 property. I've also found out there was a body found a  
18 couple -- or not even a block from where I live.

19 I have a two year old daughter. I have a thirteen  
20 year old daughter. I feel like the last speaker thought  
21 maybe a daycare center would be a better thing to go in  
22 than a gambling casino. Crime is going to go up, I don't  
23 care what people say.

24 The police department in this City, there's 12  
25 officers on the force. If four of them are called out for  
26 an accident, that's one-third of the force.

(25)



1           Drinking is going to increase. We are going to have  
2 people sleeping on our lawns that are going to drink too  
3 much. We're going to find people trespassing.

4           I feel that it's a bad thing for San Pablo. Put it  
5 in, if you have to, at a site where there's no homes. And  
6 there are homes in San Pablo that do border the site.  
7 There's a condominiums site across the street also. On  
8 the other side of Vale there's a critical care hospital.  
9 There's a convalescent hospital in that area.

10          So reconsider, please. I mean, there's going to be  
11 elderly people that are in that area, and you're going to  
12 also be displacing a lot of people that live in the  
13 trailer. Thank you.

14          MR. NEWCOMB: I don't know what I'm doing here,  
15 really, but my name is George Newcomb. I'm over at the  
16 Moose lodge across from Kmart. I have been considerably  
17 worried about this new building that's going in over there  
18 because we have problems already over there where the  
19 creek is, and where the office building.

20          And the office building has been broken into several  
21 times. They're dealing dope on the other corner of our  
22 property. The lady across the street there on Tulare has  
23 advised me of such actions going on, and she reports them  
24 to the police department whenever she notices them, but  
25 it's still going on.

26          When Lucky Lanes was there they some way or another

(25)

(26)



1 installed a bomb. Broke out a concrete wall that we had  
2 up there and blocks, so that they could go in and out over  
3 from Lucky Lanes onto our property. We tried to control  
4 it, but there was no way because as fast as we would  
5 repair it, they tore it out.

6 Crime is already there. We had one of our members, a  
7 very dear friend of mine, that was shot and killed on the  
8 other side of our property, on the other side of the  
9 creek. That's been about five, six, seven years ago. But  
10 it hasn't helped out and it hasn't decreased.

11 They've written on our walls. We put up fences.  
12 We're allowed to put up gates and stuff to keep them from  
13 going in back of our building, which has helped.

14 However, just the other day -- which you will note in  
15 your police files -- they climbed up on our disposal box  
16 for cardboard, went over the fence and wrote all over the  
17 side of our wall.

18 They came out and took notes and everything, but they  
19 advised us what we could possibly do is put up circular  
20 barbed wire all around the fences which would stop them,  
21 maybe stop them from coming in.

22 However, the problem is still there. Whether there's  
23 Lucky Lanes or whether there's going to be this new casino  
24 that's going to go in. You're going to have a lot more  
25 people than Lucky Lanes had.

26 Now, they would come over on our property and park.

26



1 We had a continual problem there. We're probably going to  
2 have a new type of problem with parking and so forth when  
3 this new building goes in.

4 I'm not against it. I think that they're entitled to  
5 do it if they would assure the City of San Pablo that they  
6 would pay and keep some kind of protection on their  
7 property to protect the people's automobiles and to  
8 protect the property around the adjoining area.

9 If they would do such a thing and sign such a thing  
10 to you, to have it patrolled so it could be policed, that  
11 may help.

12 But like the forewarners that talked here before.  
13 They go in. If they get inebriated, why, they come out  
14 and there could be problems when they're open all night.  
15 I don't know. That has to be seen after it gets going.

16 But once it's there it's almost too late. And so if  
17 you can think ahead and figure out some way that you can  
18 have it patrolled and controlled so that all of people in  
19 the area here can be happy and assured.

20 I'm sure that it's going to bring revenue into San  
21 Pablo because there's a lot of money represented there.  
22 There's a lot of money coming in. And I'm sure that San  
23 Pablo is going to get their share so it isn't going to  
24 hurt.

25 But you know at one time San Pablo was the capital of  
26 California. I don't know whether you knew that or not.

26

1 San Pablo was the capital of California. It's a great  
2 city. Let's not throw it away. Thank you.

3 MR. ANDERSON: Thank you.

4 MS. LEVO: My name is Ronnie Levo, L-e-v-o. I  
5 reside at 950 32nd Street in Richmond. I'm in the  
6 northeast area and I will be directly effected by this  
7 card room and I strongly oppose it.

8 My being a homeowner, I feel that my property value  
9 is going to suffer. It's already a nightmare traveling on  
10 San Pablo Avenue, and when this goes in it's going to be  
11 ten times -- just going to the grocery store is going to  
12 be a horrendous undertaking.

13 I'm going to have to plan times to go that -- you  
14 know, already everything I do, I do it in tuned to traffic  
15 on San Pablo Avenue, and this is really, really going to  
16 make it worse.

17 Plus, as mentioned by everybody, crime is going to  
18 increase. We are going to have a lot more undesirables.  
19 And we are trying, really trying to clean up the whole  
20 area, San Pablo, Richmond, everything. We want it to be a  
21 nice area for everyone to reside. And this is not going  
22 to help having this right in the heart of a very busy  
23 area.

24 Now, I understand, I have been told -- I don't know  
25 if this is true, but I have told that San Pablo had agreed  
26 to locate this card room in the least disruptive area.

(27)

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(29)



1 Now, Lucky Lanes is not the least disruptive area. It's a  
2 very busy area around there, very busy.

3 So I suggest that you locate this more in the heart  
4 of your own city where it's not going to effect the  
5 surrounding areas. And that's all I have to say. Thank  
6 you very much.

7 MR. ANDERSON: Thank you. Next, please.

8 MS. SANDERS: My name is Suzanne Sanders. I live at  
9 1171 34th Street.

10 Even though tonight is -- you explained that it's to  
11 comment on the environmental impact report, if I had been  
12 notified of any earlier meetings then I might have been  
13 here. I would have been here.

14 Where I live I am directly effected by the proposed  
15 site. I see it from my house. And I only heard about  
16 this because of the efforts of some neighbors who make  
17 other people aware, not from you. And I have some  
18 comments.

19 I am infuriated. It is so clear, it is so clear that  
20 the site at El Portal is so much better. It is a huge  
21 area that is surrounded totally by parking. And if you  
22 imagine it as a three-sided site, only one small side at  
23 the very tip of the triangle is where some housing is.  
24 Everything else is either commercial or nothing.

25 If there were to be a problem, it has better access  
26 for fire and police to approach the building. And the

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1 fire department is much closer -- well, I wouldn't say  
2 closer, it's almost halfway in between, but it is just as  
3 close to El Portal. The police have just as good access  
4 to there.

5 I have seen the lights of police cars trying to find  
6 people that have run down the creek behind your proposed  
7 site. Right in people's backyards. When they robbed the  
8 bank that was their course, and other times when something  
9 has happened and someone has run away. It borders  
10 directly on people's backyards and on a residential area.

11 In your environmental report, I don't know whether  
12 this is considered part of that purview, but Brookside  
13 Hospital is right there. It borders on the backyard of  
14 this proposed site.

15 Ambulances approach that hospital. If you have that  
16 intersection congested, that's the only site, that is the  
17 only intersection that ambulances come off San Pablo Dam  
18 Road from 80, the freeway, to access Brookside Hospital.

19 Why would you have activity that lasts 24 hours,  
20 congestion? I can see all kinds of accidents happening  
21 right there at that site where ambulances try to pass  
22 through to get to the hospital.

23 Also, I don't know any of the members of this  
24 counsel, so please don't take it personally, but I wonder  
25 at the motivation that you would have to put something --  
26 you would think that people who are elected by the people

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1 would want their first motivation to be the protection and  
2 safety of the community.

3 Why would you even consider this site when you have  
4 another site that's far superior? Plus, it would  
5 revitalize that whole shopping area. It has the auxiliary  
6 businesses to accomodate. It has some eating  
7 establishments, it has a gas station, it has all kinds of  
8 other things that will support that activity, which this  
9 site does not have.

10 Regardless of the what you say about it, I have even  
11 talked to policemen about the crime. They're quick to  
12 say, oh, no, it's going to be very secure. The site  
13 itself might be very secure because there's so much money  
14 in it, and because some people are getting very rich by  
15 it.

16 Within the area other businesses are going to want to  
17 come and establish themselves to support the clientele.  
18 Who, and who of you would ever be proud to say that you  
19 have a sister or a daughter or a brother that frequents a  
20 gambling place at 3:00 in the morning?

21 Why have a place that is even open at 2:00 or 3:00 or  
22 4:00 in the morning? Who goes gambling at 4:30 in the  
23 morning? So don't tell me how safe it's going to be,  
24 because there's going to be all kinds of other businesses  
25 seeking to get the business of the clientele, the type of  
26 people that would frequent a place like this.

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1           And for people -- and if you have the power to make  
2           this decision, you may seek immediate gain. You may seek  
3           something that you will benefit from immediately, but let  
4           me tell you, when you make decisions that affect the  
5           growth of a community and instead of nurturing that growth  
6           you inhibit it and you increase the crime in that area,  
7           eventually that will come back on you, on your own house.

8           MR. ANDERSON:    Next.

9           MR. NEWCOMB:    If I might say one thing more here. A  
10          week or two ago we had four automobiles in our parking lot  
11          at the Moose Lodge that were damaged.

12          And it's been done before that and before that. And  
13          it's an increase. So that element is here, and they're  
14          undoubtedly going to get in that particular big bunch of  
15          cars too.

16          MR. ANDERSON:    Okay, then, what I'd like to do is to  
17          bring this meeting to a close.

18          Yes, sir.

19          MR. WILKINS:    My name is Gary Dean Wilkins. I'm at  
20          the trailer park.

21          MR. ANDERSON:    Excuse me, Wilkins?

22          MR. WILKINS:    Gary Dean Wilkins, W-i-l-k-i-n-s.  
23          Basically, I'm not there. Basically the trailers -- as  
24          the lady earlier spoke was saying there are not homes --  
25          they do exist. Homes are there. And children are in the  
26          trailer park and children are in the bowling alley.

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1           What I noticed, and I don't have a phone now, but I  
2 would go to the bowling alley at different times to make a  
3 phone call. Sometimes in the morning the seniors were  
4 there. They had their bags.

5           In the afternoon the children come after school, or  
6 they're shooting pool or bowling or just hanging out.  
7 It's a place for them to be.

8           In the evening the adults come. The company teams  
9 come to bowl. And, sure, everybody is doing everything.  
10 There's drugs, there's drinking. The whole situation is  
11 there.

12           But the deal is the children. You know, where are  
13 they going? Are they going to go to the Boys Club, which  
14 is about maybe five blocks walk, it's a zigzag, and then  
15 you have to go through fences and gates to get to that.  
16 It's a Boys and Girls Club.

17           It's just that maybe there should be some  
18 alternative. Something open for them, you know. You can  
19 always go to the mall, always go to Lucky's, hang out, run  
20 around in the parking lots. But that's not much of an  
21 excuse for a child. There should be someone willing to  
22 look at this and accept the fact that there's a lot of  
23 displacement going on here.

24           I have no true suggestions to what should be done,  
25 what alternative you should use. But there should be  
26 something considered. All ages, they have bumper bowling

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1 for the three to six year olds and then on and on, you  
2 know.

3 So, basically, that was my concern. And, basically,  
4 I'm not here because I'm part of that trailer park. Thank  
5 you.

6 MR. ANDERSON: Thank you. Anyone else?

7 MS. DEORIAN: My name is Ann Marie Deorian. I'm  
8 with Brookside Hospital, the director of engineering. I'm  
9 the staff person.

10 MR. ANDERSON: Could you spell your last name  
11 again?

12 MS. DEORIAN: D-e-o-r-i-a-n. And I'm a staff person  
13 at the hospital working on this project.

14 Since Brookside Hospital became aware of this project  
15 we have taken a position of willing to support the City of  
16 San Pablo because there are many benefits to this  
17 project. So I'd like to make it clear that we are making  
18 efforts to support this project.

19 However, for the purposes of informing people here  
20 tonight about some of the issues that Brookside is working  
21 on, I just wanted to run through a few of those to let you  
22 know that we are reserving comments at this time until we  
23 have a further opportunity to discuss and review and  
24 evaluate information.

25 At this point we don't believe that we have adequate  
26 information. A representative example of that would be a



1 preliminary sketch of the parking area. This does not  
2 provide us enough detail to understand what the noise  
3 barrier would be, lighting, asthetics and so forth. So  
4 this would just be an example of one item that we need to  
5 explore more fully.

6 For the purpose of sharing information with this  
7 group, we do have concerns similar to yours. We do have  
8 concerns about traffic and crime. We are aware of what  
9 types of crime occur in the area. We do believe that  
10 there will be a crime problem. We've been talking to  
11 quite a few people about that. We're not convinced there  
12 will be a reduction in the crime.

13 We are very concerned about traffic. We are  
14 concerned about emergency vehicle access. One example in  
15 regard to traffic is that the Bay Area Quality Management  
16 District requires that employers with over one hundred  
17 employees implement a trip reduction rule.

18 Brookside hospital, for the past 18 months, has been  
19 very, very restricted with it's resources in the way of  
20 staff and money. We have had to dedicate staff to put  
21 together and promote alternative transportation programs.  
22 There's a requirement of Bay Area Quality you have to be  
23 reporting, you have to keep statistics. It's very, very  
24 time consuming.

25 And what we have been told by Westcat and the Bay  
26 Area Quality Management District is if we can convert even

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1 one single employee to car pool, that would be a great  
2 accomplishment.

3 But the next thing you know we have 900 parking  
4 spaces next door, so that makes my job on employee  
5 alternative transportation rather silly. So we want to  
6 take a look at that, too.

7 We are not convinced that the trip reduction efforts  
8 of the casino by bringing in so many vehicles to an area  
9 that's already congested, or were it to be required to  
10 make efforts, our efforts are nothing compared to what's  
11 coming in.

12 We're concerned about issues of pollution, fumes, the  
13 creek. The creek was just cleaned up. It looks  
14 beautiful. Very nice project for the City. We are  
15 concerned about construction activity and what's going to  
16 come down the creek now that the creek has been cleaned  
17 up.

18 We are concerned about the protection of our  
19 employees with our change of shift nurses going out into  
20 the parking lot at midnight wondering what kind of casino  
21 activity is now going to be in our parking lot.

22 So this is just an example of some of the things we  
23 are exploring.

24 But, again, we are not taking a position of  
25 opposition. We do support the City on this, and we feel  
26 mandated measures taken can assist in whatever negative

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1 impacts there will be. However, we have not had the  
2 opportunity to evaluate these as fully as we need to.

3 The hospital has long-standing strategic plans. This  
4 project affect these strategic plans. And one example of  
5 this would be the women's center that we are proposing.  
6 We have had that in our plans for quite sometime. And  
7 this is a building on the parking lot which would displace  
8 our existing parking.

9 Brookside Hospital is trying very diligently to  
10 promote women and infant services, and we have had  
11 proposed for sometime now a women's center, and we do not  
12 have a plan B should the parking be displaced because we  
13 have no where to displace our parking to create access to  
14 our women's services building at Brookside Hospital.

15 And, secondly, we have a regional cancer center that  
16 was built in 1992, which is now open. A linear  
17 accelerator, a wide range of cancer services. And we are  
18 expecting program growth there. With program growth comes  
19 traffic and parking. And we need to make sure that the  
20 hospital needs are taken care of before 912 parking spaces  
21 go in on our perimeter, which is a very extensive portion  
22 of our perimeter.

23 Many of your points are very well taken --

24 MR. ANDERSON: Could you keep you comments coming up  
25 up here, please.

26 MS. DEORIAN: Many of your points are well taken,



1 but we really want to be conservative with showing support  
2 to this project because we have not been given enough  
3 information. We don't have enough information at this  
4 point. And we are going to be going through a process of  
5 collecting information.

6 So I just wanted to share that with the group and let  
7 you know that Brookside Hospital is not necessarily  
8 opposing any persons here who are in opposition, and we  
9 share your concerns, and we are going to be taking some  
10 opportunities to review and then make a determination  
11 whether or not this project is beneficial to the hospital  
12 community and the immediate community. Thank you.

13 MR. MAGANA: I'd like to know since the project is  
14 sponsored by a multi-national corporation and they have  
15 millions of dollars, why don't they pay for -- you know,  
16 since we're going to have an impact due to the traffic  
17 that is going to be generated on I-80 and San Pablo Dam  
18 Road interchange, why doesn't the project sponsor with  
19 their deep pockets pay for the improvements?

20 Why do we have to, you know, accept the impact? And  
21 we know that it won't be 20, 30 years, 40 years probably  
22 even in our lifetime --

23 MR. ANDERSON: Okay, Ricardo, as I said up front,  
24 you can make a comment, but you cannot ask questions that  
25 will debate the issue.

26 MR. MAGANA: Basically, what I'm asking is why



1 doesn't the project sponsor pay for the improvements to  
2 the interchange now?

3 MR. ANDERSON: Okay. Anyone else?

4 Okay, we're going to bring this to a close and we  
5 want to thank all of you for coming out. As I said at the  
6 beginning, what's going to happen is your comments will be  
7 transcribed by our transcriber. Our environmental impact  
8 consultant will come up with responses to each of your  
9 comments.

10 You have until October 31st at 5:00 p.m. if you wish  
11 to submit something else in writing.

12 MS. SANDERS: May I just ask a question?

13 MR. ANDERSON: Something about the process?

14 MS. SANDERS: Yes. Was another site -- was the  
15 environmental impact -- did they look at another site?

16 MR. ANDERSON: Okay, if you would like to review the  
17 environmental impact report we will have it at our office  
18 tomorrow. It's available for you to come in and review.

19 MS. SANDERS: I'm just asking did you consider the  
20 site at El Portal? Did you do that?

21 MR. ANDERSON: We are not to discuss the  
22 environmental impact report tonight. We're just to take  
23 comments from you. Okay?

24 So October 31st, 5:00 p.m. is when you can submit  
25 additional comments. Up until that time. But we have to  
26 have them in our office by 5:00 p.m., and then on November

1 3rd it will be considered by the planning commission, and  
2 then on November the 7th it will be considered by our city  
3 counsel.

4 So on behalf of the mayor who's joining us and city  
5 staff and our consultant, thank you for coming out  
6 tonight.

7 (Whereupon the meeting is concluded at 8:00 p.m.)

8 ---o0o---



JOSE DELLAROS

1. As stated on page 4-54 of the Draft EIR, numerous studies have concluded that a link between the operation of a gaming club and criminal activity does not exist. For a discussion of these studies, please see the response to comment #3 of the City of Richmond (Planning Director) letter.
2. As stated on page 4-15 of the Draft EIR, approximately 10 percent of traffic generated by the proposed project would use San Pablo Avenue south of the project site (a maximum of approximately 250 vehicles). This increase in vehicles would not affect the level of service along San Pablo Avenue south of the project site (see Table 4.2.5 on page 4-19 of the Draft EIR). Therefore, no significant impacts would occur at the intersection of San Pablo Avenue and Tulare Avenue.
3. The commenter's suggestion that the proposed project be located at an alternative site is acknowledged and will be considered by the lead agency. Please also see the response to comment #8 of the Wildcat Creek Neighborhood Coalition letter.
4. The California Environmental Quality Act (CEQA) Guidelines do not require the analysis of economic and fiscal impacts to be included in an EIR. Therefore, no analysis regarding impacts to property values is included in the Draft EIR. The commenter's opinion that property values will decrease as a result of the operation of a gaming club at the proposed site is acknowledged and will be considered by the lead agency.
5. The commenter's suggestion that the proposed project be located at an alternative site is acknowledged and will be considered by the lead agency. Please also see the response to comment #8 of the Wildcat Creek Neighborhood Coalition letter.

RICARDO MAGANA

6. As stated on pages 5-8 and 5-9 of the Draft EIR, presentation of an alternative site that does not border any adjacent jurisdictions is not warranted since this alternative would not mitigate any of the significant impacts associated with the proposed project.
7. As stated on page 5-9 of the Draft EIR, no significant impacts are associated with a 24-hour per day operation of the proposed project. Therefore, presentation of an alternative

in the Draft EIR that reduces the number of hours of operation is not warranted. Please also see the response to comment #2 of the North and East Neighborhood Council letter.

8. As stated on page 3-7 of the Draft EIR, the proposed project includes the development of 875 parking spaces (not 912 parking spaces as referenced by the commenter). Since the number of parking spaces included as part of the proposed project would not accommodate the parking demand generated by the facility, a reduction in the number of parking spaces at the project site would exacerbate the significance of the parking deficit. An alternative that includes fewer parking spaces would result in more significant impacts than that of the proposed project. Therefore, presentation of such an alternative in the Draft EIR is not warranted.
9. For a discussion of the replacement of the housing units that would be removed from the project site as a result of the project, please see the response to comment #1 of the City of Richmond (Planning Director) letter.
10. Mitigation Measure 4.2.4b on page 4-25 of the Draft EIR identifies alternatives to providing adequate parking at the project site. These measures include off-site parking and shuttle service to public transit.
11. As stated on page 4-7 of the Draft EIR, the residents of the mobile home park would be relocated in accordance with California Redevelopment Law. Maintaining these housing units at the project site would reduce the number of parking spaces at the project. Since the 875 parking spaces included as part of the project may not accommodate the parking demand of a gaming club, maintaining the mobile homes could exacerbate this significant impact. Therefore, presentation of an alternative in the Draft EIR that maintains the mobile home park is not warranted.
12. For a discussion of maintaining the mobile home park at the project site, please see the response to comment 11, above.
13. As stated on page 5-9 of the Draft EIR, the construction of a parking garage at the project site could result in new environmental impacts that would occur under the proposed project. The presentation of an alternative in the EIR that incorporates a multi-level parking garage at the project site would not result in fewer or lesser impacts than that of the proposed project. Therefore, further discussion of this issue is not warranted.



14. As stated on page 5-9 of the Draft EIR, no significant impacts are associated with the loss of recreational opportunities since this is not considered to be a CEQA issue. Therefore, presentation of such an alternative in the Draft EIR is not warranted.
15. As stated on page 3-6 of the Draft EIR, the proposed project includes a 100-seat banquet/meeting room. This facility would be available for community meetings and gatherings. Therefore, this suggested alternative is already incorporated into the proposed project and has been analyzed in the Draft EIR.
16. The commenter's opinions about the merits of the project are acknowledged and will be considered by the lead agency.
17. For a discussion of the correlation of the operation of a gaming club and criminal activity, please see the response to comment #3 of the City of Richmond (Planning Director) letter.

TYLOS JACKSON

18. For a discussion of the relevance of economic and fiscal impacts of the project, please see the response to comment #4, above. The commenter's opinions about the merits of the project are acknowledged and will be considered by the lead agency.
19. The significance criteria for traffic impacts, which are presented on page 4-14 of the Draft EIR, are related to the change in the number of vehicles on a given roadway or going through a given intersection. Pages 4-15 through 4-21 of the Draft EIR identify the traffic impacts associated with proposed project.
20. The commenter's opinions about the merits of the project are acknowledged and will be considered by the lead agency.

MELINDA CHINCHILLA

21. Pages 4-15 and 4-17 of the Draft EIR identify the streets that would be used by persons accessing the proposed project. Please also see the response to comment #3 of the City of Richmond (Mayor) letter.

For a discussion of patrons driving while intoxicated, please see the response to comment #6 of the Wildcat Creek Neighborhood Coalition letter.

22. The commenter is correct in noting that the project is located in the City of San Pablo and, therefore, the City has the decision-making authority associated with this project. The commenter's opinions about the decision-making process are acknowledged and will be considered by the lead agency.
23. The commenter is correct in noting that the proposed project would employ about 700 persons when in full operation. Other benefits of the project are presented on page 3-8 of the Draft EIR and include approximately \$1,100,000 per year in business license taxes for the City of San Pablo.
24. The commenter's opinions about other uses appropriate at the project site are acknowledged and will be considered by the lead agency.

PAUL JAGODA

25. The commenter's opinions about the effects of a gaming club at the project site are acknowledged and will be considered by the lead agency.

GEORGE NEWCOMB

26. The commenter's statements regarding past criminal activity in the site vicinity are acknowledged. Please see the response to comment #3 of the City of Richmond (Planning Director) letter.

With respect to patrons of the gaming club parking in the Moose Lodge parking lot, the parking study that would be conducted as part of Mitigation Measure 4.2.4b would determine the number of patrons that park in nearby lots, including the Moose Lodge



parking lot, for access to the gaming club. Recommendations of the parking study will address parking at other lots if the study concludes that this activity is occurring. In addition, the Moose Lodge is within its purview to post warning signs and tow vehicles that park in its lot without authorization.

RONNIE LEVO

27. For a discussion of economic and fiscal impacts, please see the response to comment #4, above. The commenter's opinion that property values will be negatively affected by a gaming club are acknowledged and will be considered by the lead agency.

The traffic impacts along San Pablo Avenue as a result of the proposed project are discussed on pages 4-15 through 4-21 of the Draft EIR. Please also see the response to comment #3 of the City of Richmond (Mayor) letter.

28. For a discussion of the correlation between the operation of a gaming club and criminal activity, please see the response to comment #3 of the City of Richmond (Planning Director) letter.
29. The commenter's opinions about the location of the proposed gaming club are acknowledged and will be considered by the lead agency.

SUZANNE SANDERS

30. The commenter's opinions about the merits of a gaming club located at the existing El Portal shopping center are acknowledged and will be considered by the lead agency. Please also see the response to comment #8 of the Wildcat Creek Neighborhood Coalition letter.
31. For a discussion of the effects of increased traffic volumes on roadways in the site vicinity on emergency vehicle access to Brookside Hospital, please see the response to comment #7 of the West Contra Costa Transportation Advisory Committee letter.
32. The commenter's opinions about the merits of a gaming club located at the existing El Portal shopping center are acknowledged and will be considered by the lead agency.

Please also see the response to comment #8 of the Wildcat Creek Neighborhood Coalition letter.

33. The commenter is correct in noting that the gaming club would have a security staff of 70 persons to ensure the safety of patrons. As stated on page 4-54 of the Draft EIR, no increase in criminal activity is anticipated as a result of the operation of a gaming club at the project site. Please also see the response to comment #3 of the City of Richmond (Planning Director) letter.
34. The commenter's opinions about the merits of a gaming club and activity that would occur during the 24-hour per day operation are acknowledged and will be considered by the lead agency.

GEORGE NEWCOMB

35. The commenter's statements regarding past criminal activity in the site vicinity are acknowledged and will be considered by the lead agency.

GARY DEAN WILKINS

36. The commenter's opinions about the loss of the Lucky Lanes bowling alley and the need for children's recreational opportunities are acknowledged and will be considered by the lead agency.

ANNEMARIE DEORIAN

37. As stated on pages 4-6 and 4-7 of the Draft EIR, the City would conduct design review as part of the permit process. This review would include all design features of the proposed project, such as fencing, lighting, and landscaping.

Typical vehicle noise in a parking lot, which includes starting the motor and driving, is approximately 60 dBA at 50 feet. Based on a reduction of 6 dBA per doubling of distance, noises from the parking lot would be approximately 48 dBA at Brookside Hospital (based on a distance of 200 feet). This noise level is less than the existing ambient noise levels along San Pablo Avenue. Therefore, the project would not result in



any noise impacts from vehicles in the parking lot and no mitigation measures, such as a sound wall, would be required.

38. For a discussion of emergency vehicle access and the impacts of the project on access to Brookside Hospital, please see the response to comment #31, above.
39. Mitigation Measure 4.2.4a requires the gaming club to implement an employee trip reduction program. This program would also meet the requirement of the employee trip reduction program required by the Bay Area Air Quality Management District. The intent of employee trip reduction programs is for each employer to contribute to reducing the number of single-occupancy vehicles travelling on Bay Area roadways. The implementation of a successful trip reduction program at one employer does not obviate the compliance of another employer.
40. Mitigation Measure 4.5.2 on page 4-50 of the Draft EIR indicates that the construction of a surface parking lot at the project site would require obtaining a National Pollution Elimination Discharge System (NPDES) permit. This permit will require the project applicant to use best management practices, such as the installation of sediment and grease traps in the stormwater drainage system, to mitigate water quality impacts associated with the stormwater runoff from construction impacts and from the surface parking lot.
41. The commenter's concerns about the safety of Brookside Hospital employees are acknowledged and will be considered by the lead agency.
42. Development plans at Brookside Hospital would not be affected by the operation of a gaming club at the proposed project site. If Brookside Hospital develops an existing parking lot as a women's center, the hospital would be responsible for providing adequate parking associated with its services and facilities. Since Brookside Hospital does not control the project site, it does not have the standing to influence the development of the land.

RICARDO MAGANA

43. As indicated on page 4-19 (see Table 4.2.5) of the Draft EIR, the project would contribute to the poor level of service at the I-80 and San Pablo Dam Road interchange.

## V. Responses to Comments at the Public Hearing

The City would not be able to require the project applicant to fund the improvements associated with the interchange in accordance with CEQA Guidelines and recent court cases, which have required that a nexus exist between the impact and the mitigation measure and that the mitigation measure be roughly proportional to the impact created. To require full funding of the interchange improvements would not follow the guidelines established by California law and relevant legal proceedings.



## **APPENDIX A**

### **CITY OF SAN PABLO DRAFT REPLACEMENT HOUSING PLAN**

**DRAFT**

**REDEVELOPMENT AGENCY  
OF THE  
CITY OF SAN PABLO**

**REPLACEMENT HOUSING PLAN  
PROPOSED CASINO PROJECT**



**Prepared by the  
Community Development Department  
October 4, 1994**



## DRAFT REPLACEMENT HOUSING PLAN

### Introduction

In compliance with Section 33413.5 of the California Health and Safety Code, the Redevelopment Agency of the City of San Pablo has prepared this Replacement Housing Plan in conjunction with the proposed casino project. This plan indicates the number of low and moderate income housing units which are to be removed and the specific housing units/developments which are to be used to replace said housing.

The number of units being removed as a result of the proposed Casino Development is as follows:

| <u>Unit Type</u> | <u>Number</u> |
|------------------|---------------|
| Trailers         | 38            |
| Cabins           | <u>26</u>     |
| <b>Total</b>     | <b>64</b>     |

**NOTE:** For the purposes of this plan, we are assuming that all the residents of the aforementioned units are low and moderate income individuals.

This Replacement Housing Plan includes the following elements as required by Section 33413.5.

- 1) The general location of replacement housing to be rehabilitated, developed, or constructed.
  - 2) An adequate means of financing such rehabilitation, development, or construction.
  - 3) A finding that the replacement housing does not require approval of the voters pursuant to Article XXXIV of the California Constitution, or that such approval has been obtained:
  - 4) The number of dwelling units housing persons and families of low and moderate income planned for construction, rehabilitation, and;
  - 5) The timetable for meeting the plan's relocation, rehabilitation, and replacement housing objectives.
-

## Elements 1 & 4

The general location of housing to be rehabilitated, developed, or constructed and the number of dwelling units housing persons and families of low and moderate income planned for construction, rehabilitation pursuant to Section 33413.

The Redevelopment Agency of the City of San Pablo has assisted or will be assisting in the construction of the following existing and planned low and moderate income housing units:

- A) **Willow Branch Apartments**, located at 2200 Rivers Street. Prior to agency action the development consisted of 8 buildings containing 80 market rate units. The agency assisted with financing the demolition of 20 of the units to provide a better living environment. The agency also executed a Rehabilitation and Affordable Housing Subsidy Agreement requiring that 10% of the remaining units maintain affordable rents and be occupied by low or moderate income residents.

| <u>Bedroom Size</u> | <u>Number of Units</u> |                           |
|---------------------|------------------------|---------------------------|
| 1                   | 8                      |                           |
| 2                   | <u>52</u>              |                           |
| <b>Total Units</b>  | <b>60</b>              | <b>Affordable Units 6</b> |

- B) **Casa Linda Apartments**, 2001 - 2005 Broadway. Casa Linda contains 24 one bedroom apartments for senior housing. The agency assisted in the development through a land disposition and loan agreement requiring that the units be for low and moderate income seniors and families. The entire development is occupied by persons of low and moderate income.

| <u>Bedroom Size</u> | <u>Number of Units</u> |                            |
|---------------------|------------------------|----------------------------|
| 1                   | 24                     |                            |
| <b>Total Units</b>  | <b>24</b>              | <b>Affordable Units 24</b> |

- C) **Lao Family Community Development**, West side of Rumrill between Folsom and Dover. This agency is assisting this development through an Affordable Housing Subsidy Program approving 32 units of low and moderate income housing. The units will be comprised as follows:

| <u>Bedroom Size</u> | <u>Number of Units</u> |                            |
|---------------------|------------------------|----------------------------|
| 2                   | 16                     |                            |
| 3                   | 14                     |                            |
| 4                   | <u>2</u>               |                            |
| <b>Total Units</b>  | <b>32</b>              | <b>Affordable Units 32</b> |



- D) **Church Lane Apartments (Rubicon)**, 2560 Church Lane. The proposed purpose of this 22 unit development is to house lower income and very low income families. The Agency plans to assist this development upon approval of the development agreement. The units will be comprised as follows:

| <u>Bedroom Size</u> | <u>Number of Units</u> |                            |
|---------------------|------------------------|----------------------------|
| 1                   | 6                      |                            |
| 2                   | 8                      |                            |
| 3                   | 7                      |                            |
| 4                   | <u>1</u>               |                            |
| <b>Total Units</b>  | <b>22</b>              | <b>Affordable Units 22</b> |

- E) **Sprincin Residential Development**, to be located on the extension of Brentz Lane. This project is proposed as a family residential development of 47 units. The agency has executed a land disposition and loan agreement requiring that 5 of the units be maintained for low and moderate income housing. The units will be comprised as follows:

| <u>Bedroom Size</u> | <u>Number of Units</u> |                           |
|---------------------|------------------------|---------------------------|
| Type A 3            | 11                     |                           |
| Type B 3            | 14                     |                           |
| 4                   | <u>22</u>              |                           |
| <b>Total Units</b>  | <b>47</b>              | <b>Affordable Units 5</b> |

**NOTES:** All of the aforementioned affordable units are restricted by covenants in accordance with Section 33413 of the California Health and Safety Code.

None of these housing units are being considered as replacement housing for any other Agency projects.

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## Element 2

### **An adequate means of financing such rehabilitation, development, or construction.**

Based on the assessment above, the Redevelopment Agency of the City of San Pablo has already financed the development or construction of 30 replacement units of new low income and moderate income housing that have not been apportioned to units previously removed from the market. Therefore the Agency presently has a 30 unit credit for units under A, and B in existence.

The units mentioned in element 4, A and B are being assisted through the utilization of agency Housing Set-Aside funds. The fund balance is sufficient to accomplish the required development.

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### Element 3

**A finding that the replacement housing does not require approval of the voters pursuant to Article XXXIV of the California Constitution, or that such approval has been obtained:**

Article XXXIV does not apply to any of the units in this plan.

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### Element 5

**The timetable for meeting the plan's relocation, rehabilitation, and replacement housing objectives.**

The Agency presently has a credit of 30 units of low and moderate income housing in existence. In order to meet the requirements of Section 33415 the Agency needs to develop **34 additional units** of low and moderate income housing. Upon completion of the developments mentioned in Element 4, A & B, the agency will have developed, or assisted in the development of **89** new units of low and moderate income housing.

The plans for the units mentioned in Element 4 above call for completion of the 59 additional units within four years of the destruction of the 64 units located at the proposed Casino site.

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## SUMMARY OF REPLACEMENT HOUSING

| Project                        | Number of Units | Comments                           | Anticipated Completion Date |
|--------------------------------|-----------------|------------------------------------|-----------------------------|
| Willow Branch Apartments       | 6               | Completed                          | N/A                         |
| Casa Linda Apartments          | 24              | Completed                          | N/A                         |
| Lao Family Community Dev.      | 32              | In Development                     | December 1995               |
| Church Lane Apartments         | 22              | In Development                     | December 1996               |
| Sprincin Residential Dev.      | 5               | In Development                     | By 1998                     |
| <b>UNIT CREDITS</b>            | <b>89</b>       | Units completed and in development |                             |
| Casino Removal                 | (64)            | Removed through Casino Development |                             |
| <b>Remaining Agency Credit</b> | <b>25</b>       | Agency Credit/(Deficit)            |                             |





## **APPENDIX B**

### **SUMMARY OF THE CITY OF SAN PABLO CHIEF OF POLICE REVIEW OF STUDIES AND REPORTS ON THE CORRELATION BETWEEN GAMING CLUBS AND CRIMINAL ACTIVITY**



# CITY OF SAN PABLO

Five Alvarado Square, San Pablo, CA 94806

(510) 215-3100 • Fax # (510) 215-3135

## Police Department

December 3, 1993

TO: Rory Robinson, City Manager

FROM: Douglas Krathwohl, Chief of Police

SUBJECT: Evaluation of Golden State Gaming Proposal

### INTRODUCTION

The San Pablo Police Department has conducted a review and evaluation of the gaming proposal submitted by Golden State Gaming Inc. to construct and operate a card club in the City of San Pablo.

This initial inquiry is subordinate to, and does not supersede the extensive personal and financial background investigation that gaming permit applicants must submit to, under the current State of California Gaming Registration Program.

This inquiry was to assess the potential for increased crime and corruption, and to determine if the proposed City Gaming Ordinance would be sufficient to preclude such problems if the proposal was accepted.

### OVERVIEW

"Gambling is generally a highly regulated activity in the State of California. The State Constitution bans casino gambling, (1) limits bingo to charitable organizations, and allows only the State itself to conduct lotteries. Slot machines are outlawed, betting on horse racing is confined to track locations by statute, and other gambling is permitted only on a local option basis." (2)

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(1) casino gambling usually implies percentage or banking games  
(2) attachment B, page 1



Gaming at licensed card clubs in cities where it is authorized by local ordinance is legally acceptable in California.

There are approximately three hundred and twenty five (325) (1) card clubs licensed to operate within the State of California, which is less than prior to 1984 when state registration regulations for club owners and operators were enacted.

Golden State Gaming Inc. is proposing to establish a card club in San Pablo that is legally permissible under California law, and regulated by a comprehensive City Ordinance already drafted and designed to preclude many of the problems experienced by other cities over the past ten years.

It is clear that card clubs have the ability to generate considerable revenue, to the benefit of the cities in which they are located. They have also been criticized by some sources for increasing vice related crimes. We found some of those sources to be speculative, and reliant upon dated and highly subjective information.

Research indicates that there have been some problems with card club operations in previous years that were directly related to the infiltration of criminal elements. There is considerable agreement among law enforcement sources that most of those problems were related to the "subcontracting" of Asian Games in 1984 when they became "legalized". (2) Increased enforcement since that time has led to the successful prosecution of many such individuals, and the implementation of more stringent regulatory ordinances.

Awareness and cultural assimilation of the Asian community has had some positive effect over the past several years because the incidence of home robberies and gang victimization has not fulfilled the potential that law enforcement feared in 1984. (3) Efforts to regulate employees at card clubs and eliminate criminal elements from key positions of employment will no doubt continue to significantly reduce the vulnerability of clubs and patrons. Law enforcement and financial audits, independent of clubs, will also improve control over what was experienced in the first several years of high stakes Asian gaming.

A study conducted by California State University at Fullerton in 1993 found that: (4) "Without exception, every city official we interviewed, including police officers, denied that there was any crime increase due to the clubs." The study concluded:

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(1) Source: State Gaming Registration Program

(2) attachment G, page 12

(3) Crime victims are not identified by race in California other than homicides

(4) attachment D, page 16



"Certainly there are some crime problems; incidents of "follow-home" crimes, where winning patrons are followed and robbed, appear from time to time in the local papers. The data do not support the contention that crime increases as a result of the clubs."

Based on our review of the most recent and objective statistical data relative to card club operations, "we could find no relationship between the rate of crime and the existence of a card club." (1) (2)

Another recurring concern raised by gaming opponents has been the potential for corruption of local officials. Specifically referenced as examples are two Los Angeles area cities that were scandalized a few years ago. However, the potential for undue influence exists in any financial-political relationship, with or without a card club. Political corruption occurs at all levels of government and is often reported in the newspapers. The recent conviction of former state senator Paul Carpenter and Contra Costa County's lobbyist, for bribery (3) is an excellent example.

It is our conclusion that local gaming can be effectively regulated by a local governmental entity, provided a comprehensive ordinance is in place that mandates independent financial controls through audits, and the independent enforcement of local and state laws by the police department.

## BACKGROUND/ISSUES

During the preparation of this evaluation, five different reports on gaming were reviewed, along with gaming ordinances from four cities that permit gambling. In addition, more than a dozen individuals were contacted to confirm, deny or elaborate on information provided in the reports and ordinances as supporting documentation.

Three of the reports contain similar background information, that is presented as an argument against gaming in two of them. The information is essentially based on "intelligence" reports that are dated, and highly speculative about the infiltration of Asian organized crime into card clubs. Most of the examples cited, relate to the "subcontracting" of Asian games to private individuals around 1984 when they became "legalized". Some of those individuals did have ties to organized Asian groups, and it was clear there were cases of loansharking, follow-home robberies and skimming from the clubs. (4) (5)

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(1) attachment D, page 16, Figure 1

(2) attachment H, statistical data

(3) attachment A

(4) attachment C, page 13

(5) attachment G, page 15



The types of patron victimization that accompany high stakes gambling are not unique to card clubs. Follow-home robberies for example, have occurred in the Asian community for some time that have little or nothing to do with gambling. An inherent mistrust of financial institutions by many Asian immigrants, and slow cultural assimilation have both served to make many Asians targets for street gangs and other opportunists.

Cities that have had a bad experience with card club crime have generally reacted by increasing regulations and sanctions against the clubs. Screening employees and owners of clubs for example, has become an accepted practice in most all of the state as well as the implementation of financial audits to ensure compliance with reporting procedures.

Statistically, however, card club crime has been relatively insignificant compared to overall crime rates of the cities examined in the two, more objective gaming reports that were reviewed. (1) (2) (3)

We did not find any direct evidence to suggest that any significant crime increase will occur with the opening of a regulated card club in San Pablo. It is expected that some crimes will be reported, but our research indicates that would also occur if a retail establishment were opened at the same location. (4)

Another question related to the approval of a card club would be what effect seven hundred new card club jobs would have on crime in San Pablo. It has often been argued that a root cause of crime is unemployment, but none of the studies we reviewed investigated the long range impact of increased employment opportunities for lower income persons. It was pointed out in one report that "the majority of gambling-related employment is generally in services at the lower end of wage levels, thus effectively increasing the overall need for affordable housing and public transportation." (5) Considering San Pablo's demographics, this aspect of the proposal could have more far reaching effects than anticipated.

Concerns about the social impact of gambling were unclear. For example, one of the reports against gaming stated "California clubs thrive off of compulsive and addicted gamblers who seek action, no where is this more true than in the Asian games section." (6) Another report said that "studies indicate that about 5% of all

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(1) attachment D

(2) attachment F

(3) attachment F includes comparisons of urban "casino" cities which is not under consideration in California

(4) attachment H

(5) attachment F, page 16

(6) attachment C, page 20



gamblers are addicted" (1) a third report stated "gamblers are specialized." (2) It has been argued that gambling is culturally acceptable in the Asian community, and therefore assumed that the majority of gamblers found in card clubs are of Asian extraction. This information suggests that Asian's are specialized gamblers but absent some specific data about the number of persons represented by either of the first two statements; it is inconclusive.

Stringent regulations and aggressive enforcement of card club ordinances were generally accepted by all of our sources as a necessity if gaming is to be allowed in any city. There was some disagreement as to the ability of local authorities to effectively accomplish that regulation, once they have become dependent to the increased revenue of the club(s). That concern appears to be based more on past experience and perception, rather than objective data. For example, one report concluded "... do we want to live in the City of Commerce, or Bell Gardens or Gardena?" (3)(4) Since this particular report was written in opposition to gaming in Oxnard, we compared all four cities to the California and F.B.I. Crime Index of 1992. (5) We found that Oxnard had almost twice the per capita reported crime than the highest of the three other cities mentioned.

Based on our research, we expect gaming to become more accepted as a revenue source for local governments. It is currently permitted in one form or another, in every state except Hawaii and Utah. (6)

#### CONCLUSION/RECOMMENDATIONS

It is our conclusion that local gaming can be effectively regulated by local governmental entities, provided that a comprehensive ordinance, with sanctions, is in place that mandates independent financial and law enforcement action to ensure adequate supervision and accountability. It is our opinion that the gaming ordinance proposed by the City of San Pablo meets those requirements.

We are confident that the concerns about increased crime and a negative image of the City that have been raised by opponents of gambling, are highly speculative, and can be alleviated through effective regulation and marketing. (7) The proposal submitted by Golden State Gaming Inc. sufficiently addresses those concerns to warrant consideration for approval.

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(1) attachment F, page ES-4; 16

(2) attachment D, page 9, 10

(3) attachment C, page 22

(4) Commerce, Bell Gardens and Gardena have card clubs while Oxnard does not.

(5) attachment H

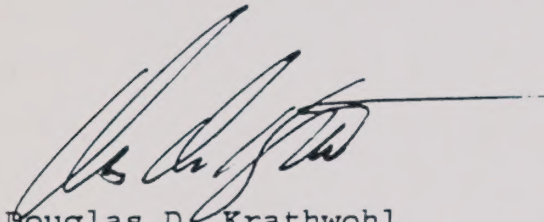
(6) attachment F, page 5

(7) attachment F, page 16



An initial background review of the principal proponents of this proposal failed to reveal any negative information that would preclude them from holding an interest in a gaming facility. They appear to be the type of competent professionals needed to effectively manage the gaming establishment under consideration.

The Police Department recommends that the City Council consider establishing a **Citizens Gaming Committee** appointed for one year terms to hear and respond to community concerns about the conduct of gaming in the City. This recommendation is intended to alleviate any concerns that may develop relative to the accountability of either Golden State Gaming Inc., the Police Department or City Administration itself.



Douglas D. Krathwohl  
Chief of Police

#### attachments

POST-SCRIPT: During the preparation of this evaluation, the California Department of Justice issued a report on GAMING IN CALIFORNIA (November 1993). A review of that report revealed that it contained much of the same information presented in earlier reports that were included in this evaluation. (1) (2) (3) This report does include more information relative to the development of casinos on Indian Reservations, which is included as an argument for the formation of a strong state level commission:

"Without adequate oversight of gaming in California and sufficient law enforcement resources, organized crime infiltration, corruption, serious violent crime, and illicit activity within the gaming industry is likely to increase."

The report concludes with six recommended steps to increase gaming regulation at the state level, much similar to the manner in which liquor establishments are currently managed in conjunction with local authorities.

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- (1) attachment C
  - (2) attachment E
  - (3) attachment F





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